



SHIRE OF CARNARVON

MINUTES

COUNCIL MEETING

TUESDAY 22 FEBRUARY 2022

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....
as a true and accurate record

.....
Chairman

Council Chambers, Stuart Street
CARNARVON, West Australia
Phone: (08) 9941 0000
Fax: ((08) 9941 1099
Website – www.carnarvon.wa.gov.au

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

To be noted that, in accordance with Regulation 11 of the Local Government (Administration) Regulations 1996, the minutes of the Council Meeting are a record of the decisions of the Council, any additional officers' advice, and explanatory notes as required. The minutes contain a summary of questions asked by members of the public and the answers given. The minutes are not a transcript of the proceedings of the meetings.

INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)

11. Minutes, content of (Act s.5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include –

(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time ***subject to the questions being asked only relating to the purpose of the Special Meeting*** (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)

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1.0 ATTENDANCES , APOLOGIES & APPROVED LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

2.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

3.0 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

3.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Mr Len Paggi – Questions to Council 25 January 2022

3.2 PUBLIC QUESTION TIME

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8.0 APPLICATIONS FOR LEAVE OF ABSENCE

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 Review of Research into a Future Airport Site

Cr Fullarton has put forward the following notice of motion -

That Council, by Simple Majority, further to the Council resolution FC20/8/2021 (Full Council 24 August 2022) resolves:

1. *To obtain cost estimates from a suitably qualified consultant to develop a business case for the relocation of the airport to the northern site, using and updating existing data and reports or developing new reports that includes:*
 - a. *Research into projects expected to be undertaken in the Gascoyne Region over the next ten years and identify the likely requirements for airport related services including aircraft types, flight frequency, and passenger numbers;*
 - b. *Undertake detailed geotechnical investigations and flood modelling;*
 - c. *A cost benefit analysis that includes the return-on-investment from a potential land development at the current airport site including the demand, barriers, and opportunities; and*
 - d. *The development of an Indigenous Land Use Agreement for the northern site*
2. *To consider the cost estimate during the 2022/2023 budget process.*

9.2 Minister for Lands Planning & Heritage – Request for Revised Holiday Chalet Site Blowholes & Removal of Sea Containers

President E Smith has put forward the following notice of motion -

Part One:

That Council resolves to recommend the following changes to Blowholes Reserves Management Plan 2014 -2036 for the consideration and approval of the Minister of Lands:

- I. *Area set aside for leasing for future chalets to allow for a maximum of 40 chalets relocated from the dune area to the area at the top of the cliff near the ablutions (see area 'A' on the attached map); and*
- II. *Addition of low impact camping sites along Black Rock Road as shown the 2008 Blowholes Masterplan (see area 'B' on the attached map).*

Part Two:

That Council resolves to remove the sea containers and associated infrastructure on the sand hill adjacent to the waste area at the Blowholes and revegetate the area to minimize erosion.

10.0 QUESTIONS FROM MEMBERS WITHOUT NOTICE

11.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF THE COUNCIL

12.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

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13.0 DATE OF NEXT MEETING

11.1 Next meeting of Council will be held on Tuesday 22 March 2022 commencing at 1.00pm

14.0 CLOSURE



**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 22 FEBRUARY 2022**

The meeting was declared open by the Presiding Member at 1.00pm

The Shire of Carnarvon acknowledges the Yingarrda people as the Traditional Custodians of this land which we work and live on. We pay our respects to their Elders past, present and future and extend this respect to all Aboriginal people and their ongoing connection to this Country.

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr E Smith.....	Presiding Member/Shire President
Cr B Maslen.....	Councillor, Gascoyne/Minilya Ward
Cr L Skender.....	Councillor, Town Ward
Cr T Langley.....	Councillor, Town Ward
Cr A Fullarton.....	Councillor, Town Ward
Cr L Vandeleur.....	Councillor, Town Ward
Cr M Ferreirinha.....	Councillor, Plantation Ward
Mrs A Selvey.....	Chief Executive Officer
Mr D Nielsen.....	Executive Manager, Infrastructure Services
Mr D Perry.....	Executive Manager, Development & Community Services
Ms S Mizen.....	Manager, Finance
Mrs D Hill.....	Senior Executive Officer
Apologies.....	Cr A Cottrell, Councillor, Coral Bay Ward
Leave of Absence.....	Nil
Press.....	1
Observers.....	6

2.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

Cr Skender (Impartiality Interest) – Item 7.4.1 – RFT 01/2022 – Middalya River Crossing Flood Damage Reinstatement Works

Cr Skender (Impartiality Interest) – Item 7.4.2 – Blowholes Tourism Precinct Redevelopment Project Completion Plan

Cr Skender (Impartiality Interest) – Item 7.4.5 – Acceptance of Additional Funding from RAUP for Coral Bay Airstrip Upgrade Project 2022/2023

3.0 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

Public Question Time commenced at 1.03pm

2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING – JANUARY 2022

The following questions were submitted by Mr Len Paggi and were taken on notice.

Question 1 - How much has been spent on the fascine wall in maintenance since its installation?

Response: Please see below table which provides total maintenance costs for each financial year post-construction.

FINANCIAL YEAR	TOTAL MAINTENANCE EXPENDITURE	COMMENT
2021/22 (current)	Nil	No maintenance expenditure to date for this financial year.
2020/21	\$54,195	Wall patching and painting - north end.
2019/20	\$5,898	Patching - north end.
2018/19	Nil	No maintenance expenditure in 2018/19 financial year.
2017/18	\$667,360	Painting of wall - Contract No. RFT05/2017.
2016/17	Nil	No maintenance expenditure in 2016/17 financial year.
2015/16	Nil	No maintenance expenditure in 2015/16 financial year.
2014/15	Nil	No maintenance expenditure in 2014/15 financial year.

Prior to 2014/15 construction works were undertaken.

Question 2: How much is budgeted for future repairs ?

Response: The Shire has allocated \$250,000 in its current 2021/22 budget for Fascine Wall works. The intent for that allocation is to install a cathodic corrosion protection system as recommended in asset maintenance reports completed in 2019.

Note that at Council's January 2022 meeting, Council resolved to allocate Federal Local Roads and Community Infrastructure grant money totalling \$854,000 toward the cathodic protection system and the replacement of concrete capping beams.

Subject to acceptance of these projects, that work would be fully funded by external grant monies and is required to be completed by 30 June 2023.

2.2 PUBLIC QUESTION TIME

There were no questions from the public.

Public Question Time was closed at 1.07

4.0 CONFIRMATION AND RECEIVING OF MINUTES

4.1 ORDINARY MEETING OF COUNCIL – 25 JANUARY 2022

FC 1/2/22

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That the minutes of the Ordinary Meeting of Council held on Tuesday 25 January 2022 be confirmed as a true record of proceedings.

CARRIED
F7/AO

4.2 AWARDS COMMITTEE MEETING – 13 JANUARY 2022

FC 2/2/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Ferreirinha

That the minutes of the Awards Committee Meeting held on 13 January 2022 be received by Council.

CARRIED
F7/AO

(Cr Fullarton advised that that the Regional Roads Group Meeting Minutes were not available at the time of the meeting and therefore could not update Council on the outcomes of the meeting)

5.0 ANNOUNCEMENTS BY THE PRESIDENT WITHOUT DISCUSSION

Bushfires

The Shire President wished to sincerely thank all those who have, and continue to be involved with assisting in fighting the current bushfires including pastoralists, Shire staff and the many volunteers.

6.0 PRESENTATIONS, PETITIONS AND MEMORIALS

Mr Tony Pickworth (Group Executive Tourism) and Mr Chris Clifton (Senior Manager Tourism Asset Development) from RAC Parks and Resorts made a presentation to Council on the resort concept and Workers Accommodation Village development Lot 308 Banksia Drive in Coral Bay. The information provided included development background, resort intent, resort concept and current status.

At completion of the presentation a short question and answer session took place with the Shire President thanking Mr Pickworth and Mr Clifton for their time.

7.0 DEPARTMENTAL REPORTS

7.1 GOVERNANCE

7.1.1 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTHS OF JANUARY AND FEBRUARY 2022

File No:	ADM0043
Date of Meeting:	22 February 2022
Location/Address:	3 Francis Street, Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Monthly Report
Schedules:	Nil

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
X	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

To report on actions performed under delegated authority for the months of January and February 2022.

Background:

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals issued
- Building Permits issued;
- Health Approvals issued;
- Affixing of Common Seal

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 - Section 9.49A
 Planning & Development Act 2005 – Part 10 Div. 2
 TPS No. 10 – Section 2.4
 Shire of Carnarvon Local Government Act Local Laws S.29
 Health Act 1911 – S.107; Health Act 1911, Part VI
[Health \(Public Buildings\) Regulations 1992](#)

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications arising from receiving this report.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	Non-compliance with statutory requirements would result in reputational damage to the Shire.	Low	This agenda item aims to ensure that the Shire is compliant.
Service disruption	N/A		
Compliance	That the performed delegations are not reported to Council	Low	This agenda item aims to ensure that the Shire is compliant in reporting delegated authority actions.
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment:

The following tables outline the action performed within the organisation relative to delegated authority for the months of January and February 2022 are submitted to Council for information.

DELEGATIONS

ENVIRONMENTAL HEALTH

Food

Food Act 2008

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
21/1/2022	HFO22/001	Home-based and market stall food business registration for specified product and small scale – Satay Corner, U2/1 Hearn Place, Morgantown	Maizatul Rusna Saleh	

Lodging houses

Health Act 1911, Part V, Division 2

Shire of Carnarvon Health Amendment Local Laws 2002, Part 8

Date of decision	Decision Ref.	Lodging house registrations issued for 2022	Applicant
14-Jan-22	HLH22/001	Hospitality Carnarvon	Hospitality Pty Ltd
14-Jan-22	HLH22/003	BIG4 Plantation Caravan Park	W.A. Coastal Properties Pty. Ltd.
14-Jan-22	HLH22/004	Capricorn Holiday Park	Summerstar Pty Ltd
14-Jan-22	HLH22/005	Carnarvon Beach Canal Retreat	Philip Haughan
14-Jan-22	HLH22/007	Carnarvon Central Apartments	Rob & Phillipa Meyer
14-Jan-22	HLH22/008	Carnarvon Hotel Motel	Ellbro Pty Ltd ATF Ellbro Unit Trust

14-Jan-22	HLH22/009	Carnarvon Motel WA	Peter Barrett Corporation Pty Ltd
14-Jan-22	HLH22/010	Carnarvon Seachange Apartments	John & Jill Dwyer
14-Jan-22	HLH22/011	Coral Coast Tourist Park	Coral Coast Park Operations Pty Ltd
14-Jan-22	HLH22/014	Leahy's Gascoyne Hotel	Gascoyne Hotel Pty Ltd ATF Gascoyne Hotel Unit Trust
14-Jan-22	HLH22/016	Ningaloo Coral Bay - Bayview	Bayview Coral Bay Pty Ltd
14-Jan-22	HLH22/015	Ningaloo Coral Bay - Backpackers	The Ningaloo Club Pty Ltd
14-Jan-22	HLH22/017	Ningaloo Reef Resort	RAC Tourism Assets Pty Ltd
14-Jan-22	HLH22/018	Norwesta Lifestyle Park	Carnarvon Capital Holdings Pty Ltd
14-Jan-22	HLH22/019	Peoples Park Coral Bay	Coral Bay Investments Pty Ltd ATF the Coral Bay Investment Trust
14-Jan-22	HLH22/021	Warroora Station	Leonie McLeod
14-Jan-22	HLH22/022	Westralian Marine Group P/L	Westralian Marine Group P/L c/ Kelvin JW Brown
14-Jan-22	HLH22/023	Wintersun Caravan & Tourist Park	Simon & Tiffany Moore
14-Jan-22	HLH22/025	Wooramel Roadhouse	Helen Webb T/A Something Different
18-Jan-22	HLH22/024	Wooramel River Retreat	Rachael & Justin Steadman

LAND USE AND DEVELOPMENT

Planning and Development Act (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 68 Applications to use/develop land					
File Ref:	Application Ref:	Subject Land (Incl. Scheme No)	Purpose	Applicant/ Proponent	Date Granted
A791	P48/21	49 Cornish Street, Carnarvon	Alfresco and carport	Warren Schmidt	9/02/2022

MINING ACT 1978 - SECTION 41, 58, 70C, 74, 86,91, Reg 64 Local Government Recommendation on Mining Tenements					
File Ref:	DMP Ref:	Subject Land	Purpose	Proponent	Advice Sent
Nil	14299-1902	UCL Lot 627; DP 206109	Licence pursuant to Section 91 of LAA	Ventia Australia Pty Ltd	17/01/2022

Nil	00198-2021	Various parcels of land within the Shire of Carnarvon	Licences pursuant to Section 91 of LAA	Fortescue Future Industries (FFI)	9/02/2022
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LIQUOR CONTROL ACT 1988 - SECTION 40 Certificate of Local Planning Authority					
File Ref:	Subject Land	Purpose	Applicant/Proponent	Advice Given	Advice Sent
Nil	Nil	Nil	Nil	Nil	Nil

BUILDING SERVICES

Application No.	Owners Name	Lot & Street	Type of Building Work
B21/004	PAUL JOHN & WILMA PORTER & ADELAIDE AGOSTINA & ANGELO ANDREOLI	LOT 231 (41) WISE ST, EAST CARNARVON	2 ATTACHED PATIOS TO THE DWELLING AND 1 FREE-STANDING PATIO (UNAUTHORISED BUILDING WORKS)
B21/066	SHANE RODNEY AYLMOORE	LOT 12 (24) CRAGGS CRT, BROWN RANGE	SOLAR PANEL INSTALLATION ON EXISTING STEEL FRAMED, METAL SHEET CLAD SHED
B21/075	DAVID ANDREW RUDGE	LOT 748 (19) MCLEOD STREET, SOUTH CARNARVON	RE-ROOF OF EXISTING DWELLING
B21/082	SHARON ELIZABETH WILLIAMS & DAVID JAMES STEWART	LOT 9 (11) RICHARDS ST, BROCKMAN	SOLAR PANELS ON EXISTING DWELLING
B21/085	GERARD JOSEPH BURNS & MICHELLE VIVIENNE BUSNIAK	LOT 825 (34) YARDI QU, BROCKMAN	SOLAR PHOTOVOLTAIC PANEL INSTALLATION ONTO EXISTING BUILDING
B21/087	WAYNE REECE	LOT 121 (2) SKINNER CRT, BROCKMAN	1800MM HIGH ALUMINIUM FENCING WITH SLIDING GATE
B22/000	DONNA SAMANTHA & NICOLAS DAVID CUTHBERT	LOT 351 (18) CASTRINI CRESCENT, BROCKMAN	PROPOSED STRATA SUBDIVISION - RESIDENTIAL DUPLEX DWELLINGS (SECTION 52 - FOR EXISTING AUTHORISED BUILDING)
B22/003	TERENCE AIDAN & TERESA ANN TANSEY	LOT 354 (8) CASTRINI CRESCENT, BROCKMAN	POST & RAIL COLORBOND FENCE
B22/010	ROBERT GRAEME HUG	LOT 300 (65) WILLIAM ST, EAST CARNARVON	SOLAR PANELS INSTALLATION ONTO EXISTING DWELLING - BUILDING ACT 2011 SECTION 51 (UNAUTHORISED WORK)

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the reports outlining the actions performed under delegated authority for the months of January and February 2022.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE*Cr Vandeleur/Cr Skender*

That Council, by Simple Majority, in accordance with Section 5.46 of the Local Government Act, accept the reports outlining the actions performed under delegated authority for the months of January and February 2022.

CARRIED
F7/A0

7.1.2**CITY OF COCKBURN FRIENDSHIP AGREEMENT**

File No:	
Date of Meeting:	22 February 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	A. Selvey, Impartiality Interest
Voting Requirements:	Simple Majority
Previous Report:	Nil
Schedules:	1. Letter from the City of Cockburn Mayor dated 27 August 2021

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This item seeks Council's formal consideration of a request from Logan Howlett, Mayor for the City of Cockburn for formal Friendship Agreement between the Shire of Carnarvon and the City of Cockburn. The officer's recommendation is that Council accepts the request.

Background:

Following correspondence and conversations with Mr Tony Brun, CEO for the City of Cockburn, the Mayor of the City of Cockburn wrote to the Shire President to advise that the City of Cockburn Council is seeking to

develop a Friendship Agreement with the Shire of Carnarvon. The City of Cockburn Council’s resolution was based on a recommendation by the City of Cockburn Sister City Reference Group.

Consultation:

N/A

Statutory Environment:

S.3.18 of the *Local Government Act 1995* – this section refers to the performing of executive functions.

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

Comment:

The officer’s recommendation is that this request is accepted as it offers a significant benefit for both organisations via opportunities for exchange of information, strategies, and ideas. Cockburn and Carnarvon

share some similarities in terms of physical and industry characteristics. The CEO has worked with the City of Cockburn CEO and can confirm that he would bring additional experience and innovation from which Carnarvon would benefit.

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to accept the offer of a Friendship Agreement between the City of Cockburn and the Shire of Carnarvon.

FC 4/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Fullarton/Cr Vandeleur

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to accept the offer of a Friendship Agreement between the City of Cockburn and the Shire of Carnarvon.

CARRIED
F7/AO

7.1.3 PRIORITY PROJECTS STATUS UPDATE FEBRUARY 2022

File No: ADM0158
 Date of Meeting: 22 February 2022
 Location/Address: N/A
 Name of Applicant: The Shire of Carnarvon
 Name of Owner: N/A
 Author/s: A. Selvey, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority
 Previous Report: 16 June 2021
 Schedules: Schedule 7.1.3 - Project Status Report

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This report provides Council with an update on the status of projects and activities identified as priorities by Council in June 2021.

Background:

At the Ordinary Meeting of Council on 16 June 2021, Council formally prioritised the legacy and emerging issues that required attention.

The prioritisation was done by Councillors at a workshop prior to the formal Council meeting. The Covey Time Management Matrix was used at the workshop as a tool to assist with prioritisation. This tool uses the Important/Urgent to categorise projects. The four quadrants in the matrix are as follows:

Quadrant 1 – urgent and important

Activities and responsibilities that require immediate attention.

Quadrant 2 – not urgent but important

Not urgent right now but important such as strategic planning, relationship building and preparation.

Quadrant 3 – urgent but not important

Items that appear to have a high urgency but are not at all important.

Quadrant 4 – not urgent and not important

Time-wasting activities that are not urgent and offer no value.

Also considered during the prioritisation were the following:

- Mandatory or discretionary.
- Strategic alignment.
- Risk / Opportunity.
- Previous Council decisions.
- Trade off.

The spreadsheet of projects and activities showing their status is attached for Council consideration – **see Schedule 7.1.3.**

Consultation:

Nil

Statutory Environment:

S.3.18 of the *Local Government Act 1995* – this section refers to the performing of executive functions.

Relevant Plans and Policy:

N/A

Financial Implications:

While there are no direct financial implications arising from receiving this update, implementation of many of the actions and projects have required human and financial resource allocation and will continue to require resources, therefore potentially impacting the resourcing capacity for other projects and programs. Where a project or activity does not have a budget allocation and requires funding, an item will be presented to Council seeking an allocation.

Risk Assessment:

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Project and activity prioritise cannot be funded within the current budget.	High	Projects are prioritised within budget constraints and that it is recognised that with current resource and revenue raising capacity, projects will need to be staged.
Health & Safety			
Reputation	Community demands for projects and activities exceed current capacity.	High	Communication with the community.
Service disruption	Prioritisation of some projects may result in disruption in the timely delivery of other services.	Moderate	Where there is an impact, this will be communicated in a timely manner to ensure understanding of the trade-off.
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Goal 1: Economic

A strong and growing economy, with a thriving regional centre, abundant business opportunities and jobs.

ITEM	OUTCOMES AND STRATEGIES
1.1	Local business growth

ITEM	OUTCOMES AND STRATEGIES
1.2	Thriving tourism industry within the district/region

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2.5	Continual improvement in implementation of the Integrated Planning and Reporting (IPR) cycle
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment:

The June 2021 Council resolution included a requirement for the status of activities and projects to be reviewed in six months. The projects and activity list has been reviewed by ELT and is now presented for Council to consider the status of projects and activities and to potentially include new projects.

OFFICER'S RECOMMENDATION PART 1

That Council, by Simple Majority, pursuant to s. 3.18 of the Local Government Act 1995, resolves to:

- a. Receive the status update on the prioritised list of projects and activities as presented at Schedule 7.1.3 and*
- b. Review the prioritised list of projects and activities as part of the 2022/2023 budget process and in the context of the Strategic Community Plan.*

FC 5/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Skender/Cr Vandeleur

That Council, by Simple Majority, pursuant to s. 3.18 of the Local Government Act 1995, resolves to:

- a. Receive the status update on the prioritised list of projects and activities as presented at Schedule 7.1.3; and*
- b. Review the prioritised list of projects and activities as part of the 2022/2023 budget process and in the context of the Strategic Community Plan.*

CARRIED
F7/AO

File No:	
Date of Meeting:	22 February 2022
Location/Address:	Reserve 11076 Lot 254 North West Coastal Highway, Yaringa
Name of Applicant:	Richard McMillan Brown and Francine Brown (Lessee)
Name of Owner:	Shire of Carnarvon
Author/s:	Amanda Leighton, Manager People, Culture & Systems
Declaration of Interest:	N/A
Voting Requirements:	Simple Majority
Schedules:	Letter of Request – R&F Brown Griffin Valuation Advisory Management Plan

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
X	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

At the Ordinary Council Meeting held on 23 November 2021 Council considered a lease renewal request from Richard McMillan Brown and Francine Brown, the currently lessees of Recreational Reserve 11076 located at Lot 254 on Plan 92298 North West Coast Highway, Yaringa. Mr and Mrs Brown were seeking to renew the lease on this site. Council resolved *"That the matter be deferred until such time as a satisfactory Management Plane is presented to Council for consideration"*.

The Management Plan was received from the Lessee on 28 January 2022 and has been reviewed by the Environmental Health Coordinator and Building and Planning Manager who have deemed the management plan as being adequate on 7 February 2022.

In accordance with the 23 November Council resolution, the matter is now being presented for Council to consider and includes a recommendation that Council accepts the request to renew the lease.

Background:

An initial lease of the above-mentioned property was granted to Mr Richard McMillan Brown and Ms Francine Brown to commence on 1 December 2014 for an initial term of 7 years expiring on 30 November 2021. As the

lease has now effectively expired, the lease is operating on the holding over clause in the lease. Item 3 of the lease provides for further terms for lease renewals and the Lessee is requesting to execute their option to renew the lease the first further term of 7 years.

During the initial term of the lease the Lessee was required to create a Management Plan for the property which had not been completed when the matter was presented to Council in November 2021. That outstanding action was the reason Council resolved to defer the matter. The Management Plan has now been completed and has been assessed as satisfactory by the Shire's Environmental Health Officer and Planning and Building Manager.

In order to assist Council in their decision in relation to renewal of the lease, Item 8 of the lease agreement has been exercised and a desk top market valuation was completed by Griffin Valuation Advisory on 11 October 2021. The methodology used by Griffin Valuation Advisory has considered the market rental comparison approach on a per annum and per square meter basis, taking into consideration the location and permitted use.

Griffin Valuation Advisory attempted to locate comparable rental evidence to apply a rate per annum to the subject leased area. Their investigation indicate that the subject facility is unique, in that it comprises of 580ha of land of which approximately only 10ha is used for camping facility with coastal access in and around the old timber jetty. The two of comparable properties used as market rental evidence were traditional type caravan and camping sites that provide full amenities and located within town boundaries, these two properties indicted a ground rental rate of between \$.0.86- \$ 1.04/m² per annum. These types of properties are generally held in Fee Simple or Crown Lease.

In discussions with prominent caravan park brokers we have been advised that majority of land leased from the Crown for this type of activity generally commences at 5% of turnover increasing to 10% of turnover. The subject property is Crown land and is leased from the Shire of Carnarvon for 3 terms of 7 years, commencing 1 December 2014 to 30 November 2035, total 21 years. Given the lack of directly comparable rental evidence Griffin Valuation Advisory have chosen to apply the income approach based on turnover to establish the current market rental value. Information on the property turnover and occupancy has been supplied to us by the current Lessees. The Lessee have advised that approximately 80% of the income is from concession and 20% from full paying fees, that has been reflected in the estimated turnover figures below.

Rental Value Calculations: As stated above, the valuer was unable to source directly comparable Market Rental Evidence for the subject leased area from within the Shire of Carnarvon and environs. Therefore, they have chosen an income approach based on the following information supplied to us by the Lessee. The Lessee has confirmed that included in their lease are the Shire ablution building and improvements. A rate of 8% of turnover was used to arrive at the assessed market rental.

Estimated Turnover figures:

Year 2018

Occupancy 12,373 persons

Average daily fee ranged from \$ 5.50 to \$ 10 per person adopt \$ 7/person

Estimated turnover \$ 86,611 per annum

Year 2019

Occupancy 11,564 persons

Average daily fee ranged from \$ 8 to \$ 11 per person adopt \$ 9/ person

Estimated turnover \$ 104,076 per annum.

Year 2020

Occupancy 13,383 persons

Average daily fee ranged from \$ 10 to \$ 13 per person adopt \$ 11/ person

Estimated turnover \$ 147,213 per annum.

Calculations for market value arrived at
 2018 - \$ 86,611 Pa @ 8% \$ 6,928 per annum
 2019 - \$ 104,076 Pa @ 8% \$ 8,326 per annum
 2020 - \$ 147,213 Pa @ 8% \$ 11,777 per annum

A previous valuation completed by Opteon in 2014 concluded that the market value for the property was between \$6,000 and \$12,000 per annum (GST inclusive) and that the commercial viability of the property at that point in time was marginal.

The webpage for Gladstone Bay Wilderness Camping advertises the following rates:

Camping
 Adults \$13 per person per night
 Pensioner \$10 per person per night
 Children over 8yrs \$5 per person
 Day Visits \$7 per vehicle

Stakeholder and Public Consultation:

Mr Richard McMillan Brown and Ms Francine Brown
 Griffin Valuation Advisory

Statutory Environment:

Local Government Act 1995 section 3.58 *Disposal of Property*

Relevant Plans and Policy:

C016 Lease and Licensing Classification.

Financial Implications:

The property is currently leased for an amount of \$7,700 (GST inclusive) which was recommended based on the low occupancy rate of the property at the time of the previous valuation in 2014. The valuation completed by Griffin Valuation Advisory in October 2021 has found an increase in occupancy rate and found the property to be valued between \$6,928 and \$11,777 (GST inclusive). Therefore, the officer’s recommendation is that Council consider increasing the lease fee for the property to \$11,500 (GST inclusive).

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
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Financial	The Shire may be able to seek a higher lease fee.	Low	Granting a commercial lease based on an independent commercial valuation provides a fair market price for consideration when renewing the lease.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	Should the lease not be renewed, the site will either require ongoing maintenance or remediation work including revegetation to restore the site to its natural state.	Medium	By granting a commercial lease the Shire can mitigate this risk.
Fraud	N/A		

Community & Strategic Objectives:

Goal 1: Economic

A strong and growing economy, with a thriving regional centre, abundant business opportunities and jobs.

ITEM	OUTCOMES AND STRATEGIES
1.1	Local business growth
1.2	Thriving tourism industry within the district/region

Comment:

The current management of the property indicates that the Lessee is maintaining the property to a high standard and are dedicated to continuous improvement of the area and facilities to provide a niche holiday spot for travelers.

It is worth noting that the current lease states under clause 15.3(2) Keep Camping Ground Open to the Public, specifically *“The Lessee agrees to permit free and unimpeded pedestrian and vehicular access by the public at all times across and through the access way of the gates of the Premises and to permit parking by the public on the parking areas of the Premises”*. The Lessee is charging a day fee for access which contradicts the current lease conditions. There are two options for consideration:

1. Enforce the current clause; or
2. Amend the lease to allow the Lessee to charge day fees for facilities, but not the beach.

Officers met with the Lessee and discussed the day fee for access to Gladstone. The Lessee cited that they have many people who visit for the day and utilise the facilities and dump waste, this results in higher costs to maintain the facilities and removal of the waste. The introduction of the day fee per vehicle was to recoup some the costs involved. The officer’s recommendation is that clause 15.3(2) is retained but amended to grant

the Lessee permission to charge for use of camp facilities such as the ablutions but not for access to the beach or natural environment.

With consideration of the management of the property by the Lessee and in accordance with the current lease condition, specifically Item 3 (a) Further Terms it is recommended that Council renew the lease for a further term 30 November 2028 with the following conditions written into the lease:

- The Lessee will adjust their public liability insurance to \$20,000,000.
- The Lessee will provide the Shire with a copy of their insurance certificate of currency on an annual basis as requested by the Lessor.
- Clause 15.3 Keep Camping Ground Open to the Public to be updated to allow the Lessee to charge day fees for use of facilities such as the ablutions and bbqs only – but ensure that day access to the beach and natural environment is free for all visitors.

OFFICER'S RECOMMENDATION PART 1

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to:

1. *Exercise the option and renew the lease portion of Reserve 11076 (known as Gladstone Camping Area) in accordance with Item 3 of the current lease subject to:*
 - a) *An annual lease fee of \$11,500 (GST inclusive) per annum;*
 - b) *For a term of expiring on 30 November 2028 with a further option for a term of 7 years as per the original lease;*
 - c) *Conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995 and any other relevant legislative requirements, including the Caravan Parks and Camping Grounds Act 1995 and subsidiary regulations for nature-based camping;*
 - d) *The lease documentation prepared at the Lessee's cost (to be invoiced to the Lessee upon the lease being executed);*
 - e) *The lease incorporating (amongst other requirements) provision for:*
 - i. *The Lessee will adjust their public liability insurance to \$20,000,000.*
 - ii. *The Lessee will provide the Shire with a copy of their insurance certificate of currency on an annual basis as requested by the Lessor.*
 - iii. *Recurrent maintenance of the camping area by Lessee to ensure functionality, safety and a high standard of presentation at all times.*
 - iv. *Amend clause 15.3(2) to be updated to allow the lessee to charge day fees for accessing facilities only but ensuring that day access to the beach and the natural environment be kept free for all visitors.*
2. *Authorise the CEO to negotiate the details of the lease with the lessor as outlined above.*

FC 6/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Maslen/Cr Vandeleur

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to:

1. *Exercise the option and renew the lease portion of Reserve 11076 (known as Gladstone Camping Area) in accordance with Item 3 of the current lease subject to:*
 - a) *An annual lease fee of \$11,500 (GST inclusive) per annum;*
 - b) *For a term of expiring on 30 November 2028 with a further option for a term of 7 years as per the original lease;*

- c) *Conformity with the statutory provisions for ‘Disposal of Property’ under Section 3.58 of the Local Government Act, 1995 and any other relevant legislative requirements, including the Caravan Parks and Camping Grounds Act 1995 and subsidiary regulations for nature-based camping;*
- d) *The lease documentation prepared at the Lessee’s cost (to be invoiced to the Lessee upon the lease being executed);*
- e) *The lease incorporating (amongst other requirements) provision for:*
 - v. *The Lessee will hold public liability insurance to \$20,000,000.*
 - vi. *The Lessee will provide the Shire with a copy of their insurance certificate of currency on an annual basis as requested by the Lessor.*
 - vii. *Recurrent maintenance of the camping area by Lessee to ensure functionality, safety and a high standard of presentation at all times.*
 - viii. *Amend clause 15.3(2) to be updated to allow the lessee to charge day fees for accessing facilities only but ensuring that day access to the beach and the natural environment be kept free for all visitors.*

2. Authorise the CEO to negotiate the details of the lease with the lessor as outlined above.

CARRIED
F7/AO

7.1.5 NEW LAND LEASE PROPOSAL LOTTERIES HOUSE (53 OLIVIA TERRACE)

File No: ADM0261
 Date of Meeting: 22 February 2022
 Location/Address: Lot 10 on Diagram 90436 and being the whole of the land contained in Certificate of Title Volume 2084 Folio 1000.
 Name of Applicant: Lotteries House (Lessee)
 Name of Owner: Shire of Carnarvon
 Author/s: Amanda Leighton, Manager People, Culture & Systems
 Declaration of Interest: N/A
 Voting Requirements: Simple Majority
 Schedules: Schedule 7.1.5(a) -Letter of Lease Request
 Schedule 7.1.5(b) -Expression of interest to purchase land

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
X	Quasi-Judicial	When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.

	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
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Summary of Item:

The previous land lease for Lotteries House was a 25-year peppercorn lease which expired on 12 August 2021. A formal request from Lotteries House to enter into a new land lease was received 8 December and followed up by a meeting on 6 January 2022. Discussions between Shire Staff and Lotteries House representatives have resulted in a proposal for a new land lease as per the officer’s recommendation to Council in this report.

Background:

Lotteries House held a land only lease with the hire for the land at 53 Olivia Terrace. The building on the land does not form part of the lease as it is owned entirely by Lotteries House. The previous lease expired on 12 August and therefore Lotteries House is requesting a new lease for the land. Discussions with Lotteries House representatives have taken place to ensure that the Lessee and Lessor are in agreeance with the proposed terms and conditions of the new lease to be presented to Council, with conditions as per the Shire lease template standard terms and conditions.

During the discussions, Lotteries House representatives expressed an interest in purchasing the land from Council to consider disposal of the land by sale for a ‘peppercorn’ from the Shire to the Committee. See attached letter dated 7 January 2022.

Stakeholder and Public Consultation:

Lotteries House representatives

Statutory Environment:

Local Government Act 1995 section 3.58 Disposal of Property

Relevant Plans and Policy:

C016 Lease and Licensing Classification.

Financial Implications:

The conditions of the previous lease involved the Shire being responsible for the maintenance of the building (built by Lotteries House) and grounds has resulted in a direct cost \$182,880.51 to the Shire over the 10-year period.

FINANCIAL YEAR	ACTUAL EXPENDITURE
2020-2021	\$ 20,406.13
2019-2020	\$ 21,206.27
2018-2019	\$ 13,080.73
2017-2018	\$ 13,299.83
2016-2017	\$ 16,524.94
2015-2016	\$ 19,890.46
2014-2015	\$ 16,136.55
2013-2014	\$ 20,499.96
2012-2013	\$ 22,011.29
2011-2012	\$ 19,824.35
TOTAL EXPENDITURE (10YRS)	\$ 182,880.51
AVERAGE EXPENDITURE (YEARLY)	\$ 15,240.04

Risk Assessment:

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Disposal of land by sale. Loss of prime real estate and any future development.	Moderate	Decline the request to sell. This would allow the Shire the potential to review the land parcel at the conclusion of the lease.
Health & Safety	N/A		
Reputation	Not supporting Lotteries House could result in a perception that the Shire does not support the services the Lotteries House tenants provide and therefore damage the Shire's reputation	Moderate	Granting the lease.
Service disruption	By declining a new lease, Lotteries House will need to find an alternative location as base to deliver their services from. This may cause a disruption in service delivery to the community.	Moderate	By granting the lease, the Shire will mitigate this risk. Lotteries House tenants will be able to continue with service delivery.
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.4	Sound financial and asset management
5.6	The Shire advocates on behalf of its community

Comment:

Regarding the request from Lotteries House that they purchase the land, the following information provides some context for the officer's recommendation that Council declines that request.

The land at 53 Olivia Terrace (at the corner of Camel Lane) is approx. 1711m² and is freehold land. The current zoning for the land is Commercial. By comparison, similar blocks of the land have an average cost per m² of approx. \$331.48. Using that per m² average, the total estimated value of land at 53 Olivia Terrace would be approx. \$567,000 (see basis for the estimated value below).

Property Address	Last Sale Price	Date of Sale	Size of Property	Zoning	Approx. Value per m ²
17 Alexandra Street	\$357,500	November 2020	1,988m ²	Commercial	\$179.82
69 Olivia Terrace	\$264,000	September 2021	905m ²	Commercial	\$291.71
71 Olivia Terrace	\$264,000	July 2021	696m ²	Commercial	\$379.31
*Data obtained from RealEstate.com.au					
Based on an average of \$246.72m ² multiplied by 1711 (m ² for 53 Olivia Terrace) = an approx. value of \$422,148.37.					

As the land parcel that Lotteries House Committee would like to purchase is prime real estate with water views in the center of town, the officer's recommendation is that Council declines the request to sell the land.

Preliminary discussions have indicated that the Lotteries House Committee will accept a new lease offer based on Tier 1 conditions as per Council Policy C016. Therefore, it is recommended that the Council resolves to enter into a new lease agreement with Lotteries House under the Shire's standard terms and conditions, that all maintenance of building and grounds to be the responsibility of Lotteries House, for a lease period of 10 years plus 10 years option to renew, for a sum of \$10 per year based on Tier 1 leases.

Tier One
Peppercorn rent \$10/year Not-for-profit community groups: Use approved by Council; Lessor pays for lease preparation, lessee pays for utilities and general garden maintenance; Provides significant community benefit; and Has limited revenue-raising ability (net of cost of service) e.g. community play group.

OFFICER'S RECOMMENDATION PART 1

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to:

1. Enter a new land lease agreement, as per standard terms and conditions, with the Lotteries House Committee for Lot 10 on Diagram 90436 and being the whole of the land contained in Certificate of Title Volume 2084 Folio 1000 (53 Olivia Terrace) known as Lotteries House in accordance with Tier One of Council Policy C016 and under the following conditions:
 - a) An annual lease fee of \$10 (GST inclusive) per annum;
 - b) For a term of 10 years with a further option for a term of 10 years;

- c) Lessor to pay for the lease preparation;
- d) Lessee to assume responsibility for all building and grounds maintenance;
- e) Conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995 and any other relevant legislative requirements.

2. Authorise the CEO to negotiate the details of the lease with the lessee as outlined above.

FC 7/2/22

COUNCIL RESOLUTION

Cr Skender/Cr Vandeleur

That the meeting be adjourned for a 5 minute break commencing at 1.41pm.

CARRIED
F7/A0

FC 8/2/22

COUNCIL RESOLUTION

Cr Skender/Cr Vandeleur

That the meeting be reconvened at 1.46pm

CARRIED
F7/A0

Council were advised of an amended Officer's Recommendation which was circulated prior to the meeting and which reads –

OFFICER RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to decline the request from the Lotteries House Committee, to dispose of Lot 10 on Diagram 90436 and being the whole of the land contained in Certificate of Title Volume 2084 Folio 1000 (53 Olivia Terrace) known as Lotteries House by sale for a 'peppercorn' to the Committee.

OFFICER RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to:

1. *Enter a new land lease agreement, as per standard terms and conditions, with the Lotteries House Committee for Lot 10 on Diagram 90436 and being the whole of the land contained in Certificate of Title Volume 2084 Folio 1000 (53 Olivia Terrace) known as Lotteries House in accordance with Tier One of Council Policy C016 and under the following conditions:*
 - a) *An annual lease fee of \$10 (GST inclusive) per annum;*
 - b) *For a term of 10 years with a further option for a term of 10 years;*
 - c) *Lessor to pay for the lease preparation;*
 - d) *Lessee to assume responsibility for all building and grounds maintenance;*
 - e) *Conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995 and any other relevant legislative requirements.*

2. Authorise the CEO to negotiate the details of the lease with the lessee as outlined above.

FC 9/2/22

OFFICER RECOMMENDATION PART ONE

Cr Fullarton/Cr Vandeleur

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to decline the request from the Lotteries House Committee, to dispose of Lot 10 on Diagram 90436 and being the whole of the land contained in Certificate of Title Volume 2084 Folio 1000 (53 Olivia Terrace) known as Lotteries House by sale for a 'peppercorn' to the Committee.

CARRIED
F7/A0

FC 10/2/22

OFFICER RECOMMENDATION PART TWO

Cr Fullarton/Cr Vandeleur

That Council, by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995, resolves to:

1. Enter a new land lease agreement, as per standard terms and conditions, with the Lotteries House Committee for Lot 10 on Diagram 90436 and being the whole of the land contained in Certificate of Title Volume 2084 Folio 1000 (53 Olivia Terrace) known as Lotteries House in accordance with Tier One of Council Policy C016 and under the following conditions:
 - a) An annual lease fee of \$10 (GST inclusive) per annum;
 - b) For a term of 10 years with a further option for a term of 10 years;
 - c) Lessor to pay for the lease preparation;
 - d) Lessee to assume responsibility for all building and grounds maintenance;
 - e) Conformity with the statutory provisions for 'Disposal of Property' under Section 3.58 of the Local Government Act, 1995 and any other relevant legislative requirements.

2. Authorise the CEO to negotiate the details of the lease with the lessee as outlined above.

CARRIED
F7/A0

(Note to Minute – Council advised that this decision does not prevent the tenants from approaching the Shire in regard to purchasing Lot 10 should they wish to do so.)

7.2 CORPORATE & COMMUNITY SERVICES

7.2.1 CREDITORS REPORT OF ACCOUNTS PAID UNDER DELEGATION 1 TO 31 JANUARY 2022

File No:	ADM0186
Date of Meeting:	22 February 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Author/s:	Angie Nguyen - Creditor
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Presented every month
Schedules:	Schedule 7.2.1

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

To present the listing of accounts paid from the Municipal Fund, Visitor Centre Account and Trust Fund, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996, for the month of November 2021.

Background:

Council has previously delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund, Visitor Centre Account and Trust Fund. A list of all payments is provided in *Schedule 7.2.1*

Stakeholder and Public Consultation: Nil

Statutory Environment:

Local Government Act 1995 – Section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 12 and 13

Relevant Plans and Policy:

N/A

Financial Implications:

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

Risk Assessment:

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High
Risk Category	Description	Rating (Consequence x likelihood)		Mitigating Action/s		

Financial	Slow payment of creditors	Low	Can impact financial statements. Set proper close off dates
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	NA	NA	
Property	NA	NA	
Environment	NA	NA	
Fraud	Accounting Fraud	Moderate	Regular background check and regular updates of Sundry Creditors. Sign off by SFO of any Creditor changes (Bank Accounts)

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to S5.42 of the Local Government Act 1995 resolves to:

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (a) totalling \$1,471,563.74 as presented for the month of January 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT34432	EFT34665	Muni EFT	\$ 1,443,109.85
47228	47230	Muni Cheques	\$539.13
EFT34606	EFT34608	Trust EFT	\$1,761.54
DD39226.1	DD39226.4	Visitor Centre Bank Direct	\$19,446.00
EFT34604	EFT34605	Visitor Centre EFT	\$6,707.22
		TOTAL	\$1,471,563.74

- b) Note Sundry Creditors as of 31 January 2022 - \$75,269.27

FC 11/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Maslen/Cr Vandeleur

That Council, by Simple Majority, pursuant to S5.42 of the Local Government Act 1995 resolves to:

- a) Receive the list of payments made under delegation, as per Schedule 7.2.1 (a) totalling \$1,471,563.74 as presented for the month of January 2022 incorporating.

Payment Reference from:	Payment Reference to:	Payment Type	Payment Amount
EFT34432	EFT34665	Muni EFT	\$ 1,443,109.85
47228	47230	Muni Cheques	\$539.13
EFT34606	EFT34608	Trust EFT	\$1,761.54
DD39226.1	DD39226.4	Visitor Centre Bank Direct	\$19,446.00
EFT34604	EFT34605	Visitor Centre EFT	\$6,707.22
		TOTAL	\$1,471,563.74

- b) Note Sundry Creditors as of 31 January 2022 - \$75,269.27

CARRIED
F7/A0

32

File No:	ADM0186
Date of Meeting:	22 February 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report	Nil
Schedules	Schedule 7.2.2

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Shire Administration is required to prepare a monthly Statement of Financial Activity for approval by Council.

Background:

Each month a local government is to prepare a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d).

The statements should show the following:

- annual budget, and the estimated year to date budget end of that month,
- the actual amount for expenditure and income,
- any variance between the actual income and expenditure, as compared to the estimated year to date budget,
- the net current assets at the end of that month.

The statements are accompanied by notes that explain the statements and any supporting information. Further, comments are to be made where variances are higher than the materiality thresholds set by Council which are plus (+) or minus (-) of \$10,000 for operating items and plus (+) or minus (-) of \$20,000 for capital items or 10% whichever is higher.

The financial statements presented as an attachment to this item are in excess to the minimum requirements to portray a fuller financial picture of the Shire at this point in time.

This report provides elected members with information about operating and capital revenues and expenditures. It also links operating results with balance sheet items and reconciles with the end of month balances. The Audited Financial Statements for 30 June 2021 are currently being audited, and the closing surplus figure, which will become the opening surplus figure for 2022, will be finalised. Until the end of year Audit is finalised, the opening surplus is subject to change and the accounts remain in draft.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	Local Government Act requires Council receive these statements within 2 months of the end of the applicable month	NA	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	NA	NA	
Environment	NA	NA	

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment:

Attached as **Schedule 7.2.2** for consideration is the draft Statement of Financial Activity for the period ended 31 December 2021.

The accounts are listed as draft accounts as they do not become final until Financial Statements for 30 June 2021 have been Audited and a final carry forward surplus is verified. Auditors were onsite at the beginning of October 2021 and the final Financial Statements for June 2021 are not expected until March 2022. The delay is because Contracted and OAG Auditors take leave over the festive season and into the New Year. It is expected that some figures may change due to audit opinions of the treatment of certain transactions.

In accordance with the Local Government (Financial Management) Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) of \$10,000 for operating items and plus (+) or minus (-) of \$20,000 for capital items or 10% whichever is higher.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month 31 December 2021 as per Schedule 8.2.2.

FC 12/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Maslen/Cr Skender

That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month 31 December 2021 as per Schedule 8.2.2.

CARRIED
F7/AQ

File No:	ADM0186
Date of Meeting:	22 February 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report	Nil
Schedules	Schedule 7.2.2

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Shire Administration is required to prepare a monthly Statement of Financial Activity for approval by Council.

Background:

Each month a local government is to prepare a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d).

The statements should show the following:

- annual budget, and the estimated year to date budget end of that month,
- the actual amount for expenditure and income,
- any variance between the actual income and expenditure, as compared to the estimated year to date budget,
- the net current assets at the end of that month.

The statements are accompanied by notes that explain the statements and any supporting information. Further, comments are to be made where variances are higher than the materiality thresholds set by Council which are plus (+) or minus (-) of \$10,000 for operating items and plus (+) or minus (-) of \$20,000 for capital items or 10% whichever is higher.

The financial statements presented as an attachment to this item are in excess to the minimum requirements to portray a fuller financial picture of the Shire at this point in time.

This report provides elected members with information about operating and capital revenues and expenditures. It also links operating results with balance sheet items and reconciles with the end of month balances. The Audited Financial Statements for 30 June 2021 are currently being audited, and the closing surplus figure, which will become the opening surplus figure for 2022, will be finalised. Until the end of year Audit is finalised, the opening surplus is subject to change and the accounts remain in draft.

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulation 34.

Relevant Plans and Policy:

Corporate Business Plan 2018 - 2022

Financial Implications:

Nil.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Stakeholders may withdraw funding if the statements are not prepared according to the regulatory framework	Low	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Health & Safety	NA	NA	
Reputation	NA	NA	
Service disruption	NA	NA	
Compliance	Local Government Act requires Council receive these statements within 2 months of the end of the applicable month	NA	Financial Statements are prepared on time and according to the applicable Legislation and Regulations
Property	NA	NA	
Environment	NA	NA	

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

Comment:

Attached as **Schedule 7.2.3** for consideration is the draft Statement of Financial Activity for the period ended 31 January 2022.

The accounts are listed as draft accounts as they do not become final until Financial Statements for 30 June 2021 have been Audited and a final carry forward surplus is verified. Auditors were onsite at the beginning of October 2021 and the final Financial Statements for June 2021 are not expected until March 2022. The delay is because Contracted and OAG Auditors take leave over the festive season and into the New Year. It is expected that some figures may change due to audit opinions of the treatment of certain transactions.

In accordance with the Local Government (Financial Management) Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) of \$10,000 for operating items and plus (+) or minus (-) of \$20,000 for capital items or 10% whichever is higher.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month 31 January 2022 as per Schedule 8.2.2.

FC 13/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Maslen/Cr Skender

That Council, by Simple Majority, and in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolves to receive the Draft Statement of Financial Activity for the month 31 January 2022 as per Schedule 8.2.2.

CARRIED
F7/AO

7.3.1 POLICY D004 PROPERTY FENCES

File No:	ADM0124
Date of Meeting:	22 February 2021
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	Stefan Louw, Planning and Building Manager
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	Schedule 7.3.1 - D004 Property Fences

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This report relates to the adoption of the D004 Property Fences local planning policy without modification, which will apply to residential, commercial, industrial and rural residential properties within the Shire. A copy of the policy is included as **Schedule 8.3.2**.

Background:

Council at its meeting of 14 December 2021 resolved to prepare the Property Fencing local planning policy and to publicly advertise the policy for a period no less than 21 days, whereafter any submissions to the policy will be considered by Council before formal adoption.

Stakeholder and Public Consultation:

The draft policy was publicly advertised for a period of no less than 21 days. A copy of the draft policy was also referred to the Western Australian Planning Commission (WAPC) for comment. No submissions were received from the public, and the WAPC advised that they have no comment because the policy does not propose any changes to State Planning Policy 7.3 - Residential Design Codes (R-codes).

42 Statutory Environment:

Local Government Act, (1995). Section 2.7(2)(b).

- The above section under the Local Government Act provides Council the ability to determine local policies.

Planning and Development (Local Planning Schemes) Regulations (2015)

- Clause 4 of Schedule 2 of the Planning and Development Regulations sets out the procedure for making a local planning policy, i.e. from advertising the policy through to adopting the policy. Once adopted, the local planning policy has legal status and would be enforceable through the Planning and Development Act 1995. Using local planning policies to address types of matters are common amongst local governments and a good planning tool to have.

Dividing Fences Act (1961).

- The Dividing Fences Act provides a process for neighbours to agree on the fence that divides their properties, and to share the cost of construction and maintenance. The Act also provides for the courts the ability to deal with disputes that may arise over dividing fences, and in the absence of a local law the courts will look at what other legislation the Local Government has to help form a decision and will often refer to local planning policies.

Relevant Plans and Policy:

State Planning Policy 7.3. - the Residential Design Codes Volume 1 of WA (2021).

Financial Implications:

There are no financial implications

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	Encourages fencing that minimises risk for the public.	Low	Adoption of policy establishes good practice.
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	Discourages inappropriate fencing and guidance on good design.	Low	Complements Building and Planning legislation.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A

Fraud	N/A	N/A	N/A
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Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*.

Objective 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	Outcomes and Strategies
2.7	Regulated land use to meet the current and future needs of the community
2.7.1	Incorporate appropriate planning controls for land use planning and development
2.7.2	Adopt appropriate land use planning and building regulation practices

Objective 5: Civic

Strong and listening Council.

ITEM	Outcomes and Strategies
5.2	The Shire has a high standard of governance and accountability
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations

Comment:

The draft planning policy addresses the standards required for compliant fencing within the Shire and will assist officers in determining fence applications where it does not comply with the “deemed to comply” provisions of the R-codes and provide the public with guidance on minimum requirements for dividing fences. It will also provide an opportunity to discourage any fencing which would have an adverse impact on the visual amenity of streetscapes and neighbourhoods within the Shire of Carnarvon.

No submissions were made during the advertising period; therefore, the draft policy can be adopted without modification.

OFFICER’S RECOMMENDATION

That Council by Simple Majority:

1. Pursuant to Schedule 2, Part 2, cl 4, section 3(b)(i) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed with the policy without modification.
2. Pursuant to Schedule 2, Part 2, cl 4, section 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 publish notice of the policy in accordance with clause 87.
3. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt the draft D004 Property Fences local planning policy as presented in Schedule 8.3.1 of this report.

FC 14/2/22

COUNCIL RESOLUTION & OFFICER’S RECOMMENDATION PART ONE

Cr Skender/Cr Vandeleur

That Council by Simple Majority:

1. Pursuant to Schedule 2, Part 2, cl 4, section 3(b)(i) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed with the policy without modification.
2. Pursuant to Schedule 2, Part 2, cl 4, section 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 publish notice of the policy in accordance with clause 87.

3. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt the draft D004 Property Fences local planning policy as presented in Schedule 8.3.1 of this report.

CARRIED
F7/AO

7.3.2

COMMUNITY GROWTH FUND – RATES DONATION

File No: ADM2119
 Date of Meeting: 22 February 2022
 Location/Address: N/A
 Name of Applicant: N/A
 Name of Owner: N/A
 Author/s: David Perry – Executive Manager Development & Community
 Kate Medhurst – Executive Assistant – Development & Community
 Dallas Woods-Harris – Rates Officer
 Declaration of Interest: N/A
 Voting Requirements: Simple Majority/Absolute Majority
 Previous Reports: FC8/11/20
 Schedules: Schedule 7.2.3 (a) – Minutes from Community Growth Fund Committee Meeting from 16 February 2022

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This item formally presents the minutes and recommendation of the Community Growth Fund Committee meeting to Council and for Council to consider the approval of applications from eligible community groups for Rates Donations for the 2021/2022 financial year.

Background:

In February 2019, Council adopted the revised C025 Community Growth Fund Policy, superseding prior Council resolutions for Rates donations to community groups. In September 2020, Council adopted an updated Policy that included an amendment to the rates donation from 90% to 50%.

The table below provides the list of the applications received for the 2021/2022 rates donation and total value of the applications.

Assessment Number	Name/Club	Discount	21/22 Rate	Concession Rate
A2904	Gascoyne Memorial Foundation	50%	\$8,708.29	\$4,354.15
A3095	Gascoyne Memorial Foundation	50%	\$38,568.61	\$19,284.31
A3199	Carnarvon Pistol Association	50%	\$1,158.58	\$579.29
A3105	Carnarvon Motorcycle Club	50%	\$1,158.58	\$579.29
A3200	Carnarvon Rifle Club	50%	\$1,158.58	\$579.29
A3873	Carnarvon Horse and Pony Club	50%	\$1,158.58	\$579.29
A3010	Carnarvon Speedway Club	50%	\$1,421.40	\$710.70
A972	Carnarvon Heritage Group	50%	\$1,523.44	\$761.72
A568	The Gascoyne Lodge of Freemasons (Masonic Lodge)	50%	\$2,001.60	\$1,000.80
A831	Carnarvon Arts and Crafts Workshop	50%	\$2,154.50	\$1,077.25
A3096	Carnarvon Community and Senior Citizens	50%	\$2,571.50	\$1,285.75
A678	Carnarvon Tennis Club	50%	\$3,600.00	\$1,800.00
A3201	Carnarvon Heritage Group	50%	\$3,779.13	\$1,889.57
A348	Carnarvon Yacht Club	50%	\$5,017.90	\$2,508.95
A3924	Carnarvon Space and Tech Museum	50%	\$6,489.00	\$3,244.50
A96	Carnarvon Racing Club	50%	\$6,571.92	\$3,285.96
A923	PCYC	50%	\$7,126.36	\$3,563.18
A757	Carnarvon Bowling Club	50%	\$1,523.44	\$761.72
		Total	\$95,691.41	\$47,845.71

The Community Growth Fund holds delegated authority for the approval of grants, however applications for Rates donation require an Absolute Majority vote at a full Council meeting.

Stakeholder and Public Consultation:

N/A

Statutory Environment:

Local Government Act 1995 Section 6.47 - Concessions

Local Government Act 1995 Section 3.18 – Performing Executive Functions

Relevant Plans and Policy:

C025 – Community Growth Fund

Financial Implications:

The applications for rates donation under Policy C025 were received by 30 April 2021 and considered during the budget 2021/2022 process.

Should the Committee’s recommendation be accepted, the total cost of \$47,845.71 can be met within the current budget allocation for the Community Growth Fund.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Expenditure exceeding the allocated budget	Low	Funds for the Rates Donation have been allocated in the 2021/2022 budget
Health & Safety	N/A	N/A	N/A
Reputation	There is some concern that community groups are not supported by the Shire	Moderate	By supporting the Community Growth Fund Committee recommendation, Council will demonstrate the Shire's commitment to working with community groups but in a financially responsible manner.
Service disruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Goal 3: Social

Healthy, safe and resilient community, where everyone belongs

3.3	Caring, self-reliant community
3.3.1	Support groups to deliver community-led initiatives and activities through liaison and grants

Comment:

The Community Growth Fund Committee met on 16 February 2022 and accepted all applications for the 2021/2022 financial year at a 50% rates donation. These are now presented for Council consideration.

The Committee also discussed a review of the Community Growth Fund Policy, specifically the rates donation section. All policies are currently under review and proposed changes will be presented to Council at a Corporate Information Session for Council to workshop the implications of proposed changes.

OFFICER'S RECOMMENDATION PART ONE:

That Council, by Simple Majority, pursuant to section 5.22 of the Local Government Act 1995, resolves to receive the minutes of the Community Growth Fund Committee meeting held on 16 February 2022.

OFFICER'S RECOMMENDATION PART TWO:

That Council, by Absolute Majority, pursuant to section 6.47 of the Local Government Act 1995 resolves to accept the recommendation of the Community Growth Fund Committee that the applications as outlined in the table below are approved for the 2021/2022 financial year.

Assessment Number	Name/Club	Discount	21/22 Rate	Concession Rate
A2904	Gascoyne Memorial Foundation	50%	\$8,708.29	\$4,354.15
A3095	Gascoyne Memorial Foundation	50%	\$38,568.61	\$19,284.31
A3199	Carnarvon Pistol Association	50%	\$1,158.58	\$579.29
A3105	Carnarvon Motorcycle Club	50%	\$1,158.58	\$579.29
A3200	Carnarvon Rifle Club	50%	\$1,158.58	\$579.29
A3873	Carnarvon Horse and Pony Club	50%	\$1,158.58	\$579.29
A3010	Carnarvon Speedway Club	50%	\$1,421.40	\$710.70
A972	Carnarvon Heritage Group	50%	\$1,523.44	\$761.72
A568	The Gascoyne Lodge of Freemasons (Masonic Lodge)	50%	\$2,001.60	\$1,000.80
A831	Carnarvon Arts and Crafts Workshop	50%	\$2,154.50	\$1,077.25
A3096	Carnarvon Community and Senior Citizens	50%	\$2,571.50	\$1,285.75
A678	Carnarvon Tennis Club	50%	\$3,600.00	\$1,800.00
A3201	Carnarvon Heritage Group	50%	\$3,779.13	\$1,889.57
A348	Carnarvon Yacht Club	50%	\$5,017.90	\$2,508.95
A3924	Carnarvon Space and Tech Museum	50%	\$6,489.00	\$3,244.50
A96	Carnarvon Racing Club	50%	\$6,571.92	\$3,285.96
A923	PCYC	50%	\$7,126.36	\$3,563.18
A757	Carnarvon Bowling Club	50%	\$1,523.44	\$761.72
		Total	\$95,691.41	\$47,845.71

FC 15/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Maslen/Cr Ferreirinha

That Council, by Simple Majority, pursuant to section 5.22 of the Local Government Act 1995, resolves to receive the minutes of the Community Growth Fund Committee meeting held on 16 February 2022.

CARRIED
F7/A0

FC 16/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART TWO

Cr Maslen/Cr Fullarton

That Council, by Absolute Majority, pursuant to section 6.47 of the Local Government Act 1995 resolves to accept the recommendation of the Community Growth Fund Committee that the applications as outlined in the table below are approved for the 2021/2022 financial year.

<i>Assessment Number</i>	<i>Name/Club</i>	<i>Discount</i>	<i>21/22 Rate</i>	<i>Concession Rate</i>
A2904	<i>Gascoyne Memorial Foundation</i>	50%	\$8,708.29	\$4,354.15
A3095	<i>Gascoyne Memorial Foundation</i>	50%	\$38,568.61	\$19,284.31
A3199	<i>Carnarvon Pistol Association</i>	50%	\$1,158.58	\$579.29
A3105	<i>Carnarvon Motorcycle Club</i>	50%	\$1,158.58	\$579.29
A3200	<i>Carnarvon Rifle Club</i>	50%	\$1,158.58	\$579.29
A3873	<i>Carnarvon Horse and Pony Club</i>	50%	\$1,158.58	\$579.29
A3010	<i>Carnarvon Speedway Club</i>	50%	\$1,421.40	\$710.70
A972	<i>Carnarvon Heritage Group</i>	50%	\$1,523.44	\$761.72
A568	<i>The Gascoyne Lodge of Freemasons (Masonic Lodge)</i>	50%	\$2,001.60	\$1,000.80
A831	<i>Carnarvon Arts and Crafts Workshop</i>	50%	\$2,154.50	\$1,077.25
A3096	<i>Carnarvon Community and Senior Citizens</i>	50%	\$2,571.50	\$1,285.75
A678	<i>Carnarvon Tennis Club</i>	50%	\$3,600.00	\$1,800.00
A3201	<i>Carnarvon Heritage Group</i>	50%	\$3,779.13	\$1,889.57
A348	<i>Carnarvon Yacht Club</i>	50%	\$5,017.90	\$2,508.95
A3924	<i>Carnarvon Space and Tech Museum</i>	50%	\$6,489.00	\$3,244.50
A96	<i>Carnarvon Racing Club</i>	50%	\$6,571.92	\$3,285.96
A923	<i>PCYC</i>	50%	\$7,126.36	\$3,563.18
A757	<i>Carnarvon Bowling Club</i>	50%	\$1,523.44	\$761.72
		<i>Total</i>	\$95,691.41	\$47,845.71

FC 17/2/22

AMENDMENT TO MOTION

Cr Fullarton/

That the following Clubs be removed from the table –

A3095 – Gascoyne Memorial Foundation

A348 – Carnarvon Yacht Club

A96 – Carnarvon Racing Club

**MOTION LAPSED FOR WANT
OF A SECONDER**

Motion FC 16/2/22 was put.
CARRIED BY ABSOLUTE MAJORITY
F7/A0

File No:	
Date of Meeting:	22 February 2022
Location/Address:	3 Francis Street Carnarvon
Name of Applicant:	The Shire of Carnarvon
Name of Owner:	The Shire of Carnarvon
Author/s:	Harriet Murphy – Tourism & Economic Development Manager Kate Russell – Executive Assistant – Development & Community
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority – Officers Recommendation Part 1 Absolute Majority – Officers Recommendation Part Two
Previous Reports:	Nil
Schedules:	Nil

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This report relates to a request for Council to:

1. Provide approval for the acceptance of funding from Department of Communities, Grants for Women for the Gascoyne Level-up program.
2. Approve a budget variation under the existing 21/2022 budget – Adding an additional \$7,000 to the existing program budget.

Background:

The Department of Communities has provided funding for the Level UP Project through the Grants for Women Program. The program aims to support initiatives that address the unique issues faced by Western Australian women. Initiatives funded under the Grants for Women Program are to contribute to women and girls reaching their full potential in all aspects of life: at school, in the workplace, in retirement and in their homes and communities.

Stakeholder and Public Consultation:

The Gascoyne Women Level-UP Program (referred to as the Level-UP Program) has been developed through recent engagement with women in the community through various events and forums, including business after hour events hosted by the Carnarvon Chamber of Commerce. Anecdotal evidence suggests that women in Carnarvon and the wider Gascoyne region have been disproportionately impacted through COVID-19.

Statutory Environment:

Local Government Act 1995 Section 6.8 Expenditure from municipal fund not included in annual budget

Relevant Plans and Policy:

C030 – External Grants – Procurement and Management
 Shire of Carnarvon Community Strategic Plan 2018 – 2028
 Shire of Carnarvon Corporate Business Plan 2018 – 2022

Financial Implications:

The following budget variation, which has no net impact on the original budget, is proposed:

Program & Sub-Program	GL Account Code	Description	Classification	Job No.	Original Budget	Budget Variation	Current Budget
Education and Welfare	7093	VC Other Income	Operating income	N/A	\$0.00	-\$7,000	-\$7,000
Recreation and Culture – Other Culture	4262	Area Promotion	Operating Expenditure	1957	\$15,000	\$7,000	\$22,000

Risk Assessment:

STEP 3 – Risk Tolerance Chart Used to Determine Risk

Consequence		Insignificant	Minor 2	Major 3	Critical 4	Extreme 5
		Likelihood				
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Expenditure exceeds grant	Low	The program will be carefully managed to stay within the grant allocation.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

ITEM	OUTCOMES AND STRATEGIES
1.1	Local business growth

ITEM	OUTCOMES AND STRATEGIES
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth

Comment:

Due to the short timeframe that the grant application was open, as it had no net impact on the budget and that no financial co-contribution was required, the CEO authorised the application to be submitted and for officers to seek Council's approval to accept this grant should the application be approved which occurred on the 25 January 2022.

OFFICER'S RECOMMENDATION PART 1

That Council, by Simple Majority, pursuant to Section 6.8 of the Local Government Act 1995, resolves to accept funding of \$7,000 from Department of Communities Grants for Women Program.

OFFICER'S RECOMMENDATION PART 2

That Council, by Absolute Majority, pursuant to Section 6.8 of the Local Government Act 1995, approves a budget variation under the existing 21/2022 budget, adding an additional \$7,000 to the income budget and a corresponding \$7,000 to the expenditure budget for Economic and Tourism and Action Planning.

COA	Description	Job	Classification	Existing Budget	Amendment	Revised Budget
170930	VC Other Income	N/A	Operating Income	\$0.00	-\$7,000	-\$7,000
142620	Area Promotion	1957	Operating Expenditure	\$15,000	\$7000	\$22,000

FC 18/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Maslen/Cr Vandeleur

That Council, by Simple Majority, pursuant to Section 6.8 of the Local Government Act 1995, resolves to accept funding of \$7,000 from Department of Communities Grants for Women Program.

CARRIED
F7/A0

FC 19/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART TWO

Cr Maslen/Cr Vandeleur

That Council, by Absolute Majority, pursuant to Section 6.8 of the Local Government Act 1995, approves a budget variation under the existing 21/2022 budget, adding an additional \$7,000 to the income budget and a corresponding \$7,000 to the expenditure budget for Economic and Tourism and Action Planning.

COA	Description	Job	Classification	Existing Budget	Amendment	Revised Budget
170930	VC Other Income	N/A	Operating Income	\$0.00	-\$7,000	-\$7,000
142620	Area Promotion	1957	Operating Expenditure	\$15,000	\$7000	\$22,000

CARRIED BY ABSOLUTE MAJORITY
F7/A0

7.3.4**RAC WORKERS ACCOMMODATION - LOT 308
(NO. 19) BANKSIA DRIVE, CORAL BAY**

File No: A3841, P47/21
Date of Meeting: 22 February 2021
Location/Address: Lot 308 (No. 19) Banksia Drive, Coral Bay
Name of Applicant: element
Name of Owner: BAC Village Pty Ltd
Author/s: Stefan Louw, Planning and Building Manager
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previous Reports: N/A
Schedules: Schedule 7.34. – Development Plans

Authority / Discretion:

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
X	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

The applicant is seeking development approval for 42 single-bedroom 'Workforce Accommodation' units on vacant land within Lot 308 (No. 19) Banksia Drive, Coral Bay. The accommodation facilities will accommodate up to 60 people. The workers will be employed at the RAC Ningaloo Reef Resort which is located on the foreshore approximately 1.2kms away. Local Planning Scheme No. 13 (LPS 13) provides for workforce accommodation at Lot 308; currently the Service Worker Accommodation (SWA) is the only other workforce accommodation existing within the lot. 'Workforce accommodation' is listed as a 'D' use within the Tourism zone of LPS 13, which means that the use is not permitted unless the Local Government has exercised its discretion by granting development approval.

This report details the proposal within the framework of LPS 13, Lot 308 Workers Accommodation Village Outline Development Plan (the ODP), State Planning Policies, the Coral Bay Settlement Structure Plan (CBSSP) and the policy context of the Ningaloo Coast. **Figures 1., 2., and 3.** show a locality plan, development plan and building types. Also see **Schedule 7.3.4 - Development Plans.**

The proposed development is generally in accordance with the relevant strategic and statutory requirements. This report recommends that conditional approval be granted.

Background:

Lot 308 has an area of approximately 30.3 ha. and is owned by the BAC Village Pty Ltd (BACV). The development application seeks to develop a portion of Lot 308 that is proposed to become Lot 4, which was approved in Subdivision Approval No. 154764 and is currently in the process of being created to enable the sale of this lot to the RAC. See **Figure 4**. Proposed Lot 4 is to comprise a total area of 0.53 hectares. The SWA which provides workforce accommodation is located to the south of the proposed development.

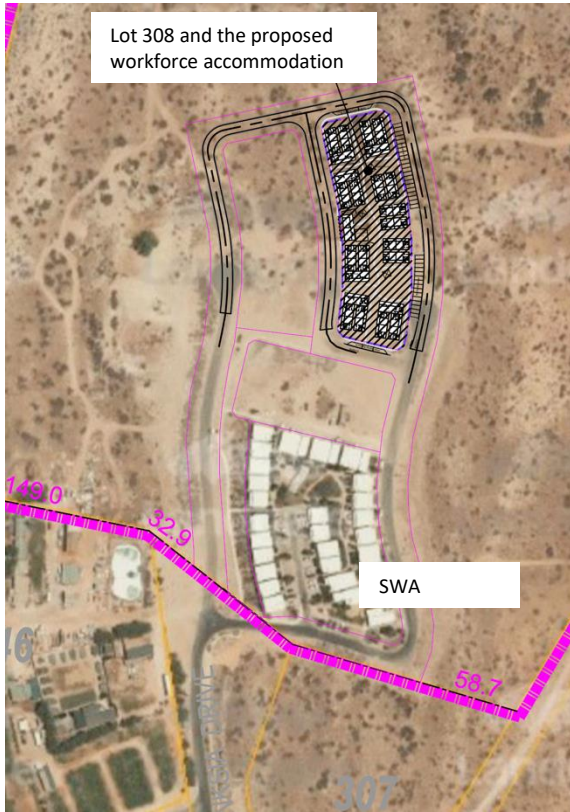


Figure 1. Locality Plan

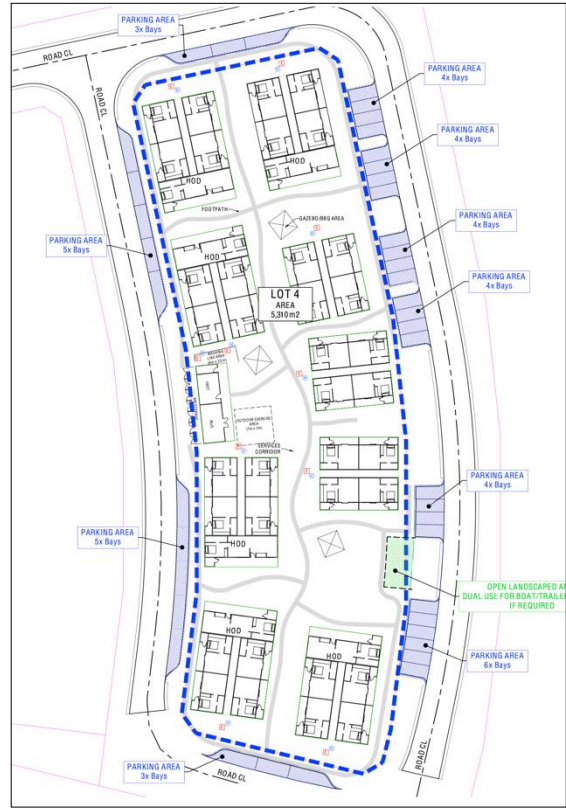


Figure 2. Development Plan & Parking



Figure 3. Building types 1 (above) and 2

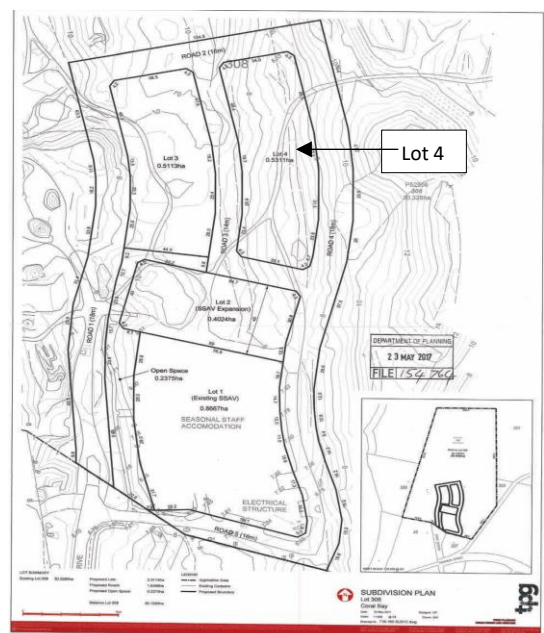


Figure 4. Subdivision Plan

Description of Proposal

The workforce accommodation will provide for up to 60 persons which includes 55 staff and 5 children. The accommodation facilities are single bedroom single storey units and will be located within landscaped grounds. A total of 42 parking bays are proposed, nil visitor bays are proposed although 11 visitor bays are prescribed under LPS 13. As illustrated in **Figure 2**, the applicant is proposing to construct the 42 parking bays within the road reserves abutting Lot 4.

The development incorporates 42 one bedroom units: six (6) building type 1 units with living areas of 56.7m² and thirty-six (36) building type 2 units with living areas of 30.24m². The development proposal incorporates the following on site facilities:

- A communal services building comprising a gym and laundry room.
- Three gazebo/barbeque areas located in the outdoor communal areas.
- Landscaping and paths.

The applicant advises that:

The design seeks to accommodate the units in a manner that orientates and groups the units to maximise their outlook whilst creating a village atmosphere with centralised communal facilities. The proposal relies on the use of pre-fabricated buildings that are specifically designed to meet the engineering requirements of the site. The units are proposed in muted natural tones to blend with the landscape character of the area.

The applicant has advised that electricity, reticulated water and sewerage infrastructure will be constructed within the proposed road reserves to service each of the proposed dwellings.

Stakeholder and Public Consultation:

The application is a 'D' use under LPS13 and as such the Shire has the discretion to grant development approval. Public consultation is not required for a 'D' use.

Statutory Environment:

Planning and Development Act 2005

Part 5, Local Planning Schemes is in force under this Act and has the objective of making suitable provision for improvement, development, and use of the land as described in the local planning scheme area.

Planning and Development (Local Planning Schemes) Regulations 2015

Section 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 specify the matters to be considered by a local government when considering a development application. The matters relevant to this application have been carefully considered in the assessment of the application.

Shire of Carnarvon Local Planning Scheme 13 (LPS 13)

The subject site is located within land zoned Tourism. Within this zone 'workforce accommodation' is a 'D' use meaning that:

the use is not permitted unless the local government has exercised its discretion by granting development approval.

Under LPS 13 the proposed development can be defined as 'Workforce Accommodation' which:

Means a premises, which may include modular or relocatable buildings, used -

- a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.*

Local Planning Scheme 13 – Cl. 31 Vehicle Parking

Clause 31 sets out car parking requirements and prescribes the minimum parking requirements for a Tourist Development. It also requires that the parking bays be provided on the site of the use generating the car parking requirement. Clause 31 states:

In accordance with the relevant dwelling type under the Residential Design Codes, and/or 1 bay per bedroom or accommodation unit; plus 1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes.

Under the Residential Design Codes (R Codes) 42 parking bays are required for the 42 proposed accommodation units and one bay is required per four dwellings for visitors. As such 11 visitor bays are required. All of the bays are required to be provided on site however, the applicant is proposing to construct the 42 bays within the road reserves abutting Lot 4 and no provision has been made for visitor parking bays.

Clauses 31.8 and 31.9 make provision for offsite parking and cash in lieu where the parking is not provided on site:

31.8 If the local government is satisfied that adequate parking exists or is to be provided in close proximity to a proposed development, notwithstanding the requirements of this Scheme and any applicable local planning policy, it may accept a cash payment in lieu of the provision of any or all types of parking spaces as required under clause 31.1.

31.9 The following requirements shall apply to any cash payment in lieu of providing car parking spaces under clause 31.8: (a) the payment shall comprise the value of the land which would have been occupied by the required car parking spaces and associated manoeuvring areas, as well as the estimated cost of providing and constructing those car parking spaces and manoeuvring areas; (b) the payment shall be made prior to the commencement of the development generating the parking requirement, or at such other time as agreed between the Shire and the applicant; (c) the payment shall be held by the Shire in a separate reserve or trust account and shall be spent by the Shire in providing, maintaining, upgrading or replacing public car parking spaces or facilities in a location within reasonable walking distance of the use in respect of which the payment was made, or on the acquisition of land for such public car parking spaces or facilities.

Road Reserve Parking:

The applicant has provided a traffic analysis report prepared by Stantec. The findings are as follows:

- *The proposed development is not expected to generate significant vehicular trips, being approximately 15 vehicle trips per peak hour (two-way).*
- *The impacts of the traffic volumes associated with the development on the road network are low and considered acceptable.*
- *Peak residential parking demand of the site can be accommodated wholly in the car parking spaces provided when considering the parking rates. Visitor parking can be accommodated on-street alongside the development if all marked car parking spaces are occupied, which is probably unlikely.*
- *The proposed car park layout adheres to the requirements of AS2890.1:2004.*

The report also notes that a number of those occupying the accommodation units will walk or bicycle the 1.2kms to the Ningaloo Reef Resort for their work shifts. Furthermore, the proposed road reserves are relatively wide (18m on the eastern boundary and 14m on the western, northern and southern boundaries).

For comparison purposes consideration has been given to the nearby SWA. The SWA has onsite parking although a number of the workers occupying the SWA utilise verge parking. Landgate aerial imagery from the past ten years illustrates that the onsite car park within the SWA is underutilised. The use of verge parking is considered to be an outcome of the SWA design rather than excess demand for parking facilities;

with some residents finding it more convenient to park in the road verge abutting their accommodation rather than the internal car park.

Visitor Parking:

The applicant has indicated that the proposed 42 parking bays will be sufficient to cater for both staff and visitors and has provided the following details of staffing levels and types:

- *The Workers Accommodation village is capacity restricted, via agreement between BACV and RAC to 60 persons (55 staff plus allowance for 5 children), due the limitations placed over Lot 308 generally in the Coral Bay Settlement Structure plan. This condition is to be further imposed via a restrictive covenant on title, when issued.*
- *The maximum number of resort staff to be accommodated on the site is 55 persons in the high season.*
- *The average occupancy of the proposed Workers Accommodation village is expected to be 40 persons.*
- *75% of the RAC Resort workforce are itinerant workers or “backpackers”, travelling in pairs with one vehicle only.*
- *The longer term workforce also tends to be couples that share one vehicle only between them.*
- *The present workforce of the RAC Resort have 65% vehicle ownership (which is higher than usual due to border restrictions and an absence of eastern states and international travellers).*
- *Peak season staffing invariably uses a quantity of short term, fly in workforce, that do not have any vehicles.*
- *The highest expected vehicle numbers for on-site residents is expected to be 36 vehicles.*
- *No allowance has been made for local staff (averaging 5) who require no accommodation or parking and will reduce the average WAV occupancy.*
- *The current seasonal workers accommodation consists of much larger accommodation units on average and houses much longer term tenants in more permanent living arrangements.*

Cash In Lieu:

Clause 31.9 states that:

the payment shall comprise the value of the land which would have been occupied by the required car parking spaces and associated manoeuvring areas, as well as the estimated cost of providing and constructing those car parking spaces and manoeuvring areas;

The applicant has not provided a plan showing the land which would have been occupied by the parking and associated manoeuvring areas within Lot 4. As such, the parking facilities within the SWA have been used as a guide. The SWA has 33 onsite parking bays, the parking and manoeuvring areas (excluding landscaping) occupies 896m². Therefore, there is a ratio of 27.2m² per vehicle for parking and manoeuvring. A land valuation for Lot 308 of \$3,270,000 (\$10.78 per square metre) as calculated by Landgate has been provided by the applicant. As such the cash in lieu component would be 53 bays x 27.2m² x \$10.78 = \$15,540.

The RAC will have responsibility for payments associated with the provision and construction of the 42 parking spaces.

Conclusion:

It is considered that the proposed offsite parking arrangements are acceptable as:

- The subject land is relatively remote from the main Coral Bay activity areas.
- The expected amount of traffic generation from the development is small.
- The proposed road reserves will have sufficient capacity to accommodate the parking areas.
- The Shire will have an opportunity to establish specific parking controls for Lot 308 when the future Lot 308 Local Development Plan is prepared.

- The RAC will be responsible for the provision and construction of the 42 offsite parking bays.
- The RAC will pay a cash in lieu sum of \$15,540 which is to be held in a parking trust fund.

LPS13 Restricted Use 3 (R3)

The general development standards of LPS13 apply unless prescribed under a Local Development Plan. The Lot 308 Workers Accommodation Village Outline Development Plan (the ODP) is considered to be concurrent with a LDP. The ODP was endorsed by the Western Australian Planning Commission in January 2010 and adopted by the Shire in November 2010. The ODP satisfies the requirement under LPS13 for a Local Development Plan to guide the development of the site.

The proposed development concept and layout are considered to be consistent with the ODP. Furthermore, a subdivision plan was approved for Lot 308 which was also guided by the ODP. Lot 4 which forms part of Subdivision Approval No. 154764, is currently in the process of being created. Under Restricted Use 3 (R3) a minimum 'superlot' subdivision size within Parent Lot 308 is 4,000m². Lot 4 will have a lot size of 5,311m².

R3 also specifies that the number of workers within Lot 308 is limited to a maximum of 400 including dependant family. This development proposes a total of 60 workers and dependant family, the SWA has approval for 70 people inclusive of dependant family members. The GROH housing development, located immediately east of the SWA, has an approval for 48 people. As such the ongoing total for Lot 308 will be 178 workers and dependent family members which is within the limit set out in R3.

LPS13 Special Control Area 5

Under LPS 13 the site is zoned Tourism and falls within Special Control Area 5: Coral Bay Settlement. The purpose of the SCA 5 is:

Protection of the natural environment and retention of the remote sense of place and low-impact nature based visitor experience.

The relevant objective is:

Developing the built environment in a way that is compatible with the surrounding landscape setting.

Additional provisions provide for employees of the Local Government and State Government, owners and operators of commercial enterprises, and seasonal / permanent employees to occupy the workforce accommodation. The provisions seek to ensure that the siting and design of new development shall blend with or be in evident in the landscape and seascape from significant viewpoints and public roads. New development is to be restricted to a maximum of 6 metres above natural ground level.

The proposed maximum height of the dwellings is 4.3m. A landscaping plan has been lodged which will enhance the visual amenity of the site. The development is located on the fringe of the main settled area of Coral Bay. Furthermore, the development will not be visible from significant viewpoints or the approach road to the settlement. As such it is considered that the development will not have an adverse visual impact on the locality.

The SCA identifies an overall population cap for Coral Bay of 4,800 overnight visitors is identified. This includes workers and their dependant family plus 500-day visitors. Lot 308 has an allocation of 400 workers and family members; current approvals permit 118 workers and dependant family members. The proposed 60 workers and family members will increase the total number of workers and dependant family members on Lot 308 to 178 people.

Coral Bay Settlement Structure Plan 2014

The Coral Bay Settlement Structure Plan (CBSSP) provides strategic guidance for land use and development within the Coral Bay Settlement area. Lot 308 Banksia Drive is identified within the 'Workers Accommodation' zone of the CBSSP.

The objective of the Workers Accommodation precinct is:

To designate and manage land for bona fide workers and business owners in Coral Bay.

The supporting appendix to the CBSSP includes the Coral Bay Landscape Character Guidelines. The Guidelines are intended to 'inform and conserve the visual character of Coral Bay and any future development proposed for the settlement and surrounds.' The key recommendations of the Guidelines pertinent to this application are:

- Retain and enhance existing topography and coastal vegetation in a natural form
- Assist in assessing development proposal in terms of scale relative to its local context and
- Carefully manage building heights to minimize visual impacts from external vantage points.

It is considered that the proposed development will not adversely impact the visual amenity of the locality on the basis that:

- the maximum height of the buildings is relatively low at 4.3 metres (maximum permitted height is 9 metres),
- buildings are sited at the away from elevated areas,
- buildings will have colours which complement the natural landscape, and
- native landscape plantings will help the development blend in with the locality.

Lot 308 Coral Bay Workers Accommodation Village Outline Development Plan

The ODP is intended to provide for the sustainable development and management of workers accommodation for a population of up to 400 people, including workers, partners and dependants that meet the needs of the Coral Bay workforce. See **Figure 5**. below.

The site for the proposed development is designated as Workers Accommodation / Residential (R10-R60) Special Control Area under the ODP. The document states that:

These areas are designed to retain as much of the existing landform as possible around the residential areas to provide a sufficient level of residential amenity and to accommodate future expansion of the site if deemed necessary.



Figure 5. Lot 308 Outline Development Plan

The ODP was approved over ten years ago however, given that the RAC development is generally consistent with the ODP and the subdivision approval, it is not considered necessary to seek an upgrade of the ODP to the standard of a LDP at this time. However, this will be required before consideration is given to future development applications outside the land subject to subdivision approval No. 154764.

Relevant Plans and Policy:

State Planning Policy 3.1 - Residential Design Codes (SPP 3.1 R-Codes)

SPP 3.1 Residential Design Codes (R-codes) provide a basis for the control of residential development throughout Western Australia. The R-Codes are applicable in this instance as the CBSSP allocated a blanket R10-R60 code over the Workers Accommodation /Residential Precinct. Under this code the maximum permitted number of accommodation units is 44, the proposed development contains 42 units. Carparking is addressed separately in more detail under Statutory Environment - LPS 13.

Landscaping coverage is indicated as being 71% (3,768m²) which satisfies the 40% minimum required. The eastern and western streets are considered to be primary streets, the required setback is 2m. The eastern street satisfies the 2.0m setback however the western street setback is 1.2m. The variation is of a minor nature and considered to be acceptable.

State Planning Policy 2.6 Coastal Planning Policy

The relevant objectives of this Policy are to:

2. ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities
3. protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.

The following general policy measures are relevant:

- i.* Encourage urban development to be concentrated in and around existing settlements, particularly those with established infrastructure and services. Continuous linear urban development along the coast should be discouraged or, where it has occurred, carefully controlled.
- ii.* Ensure that when selecting a development location, regard is given to infrastructure capacity and where possible, existing infrastructure be upgraded and improved.

The Lot 308 Coral Bay Workers Accommodation Village Outline Development Plan provides the strategic framework within which the matters raised within the Policy have been addressed. The current development proposal is consistent with the objectives and the general measures set out in the Policy.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP 6.3 applies to land identified designated as bushfire prone which includes the subject land. The key objectives of the policy are to:

- Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change

The development is within a bushfire prone location. The applicant has provided a bushfire risk assessment which concludes that the proposal is able to achieve the acceptable solution (by being subject to BAL-29 or less within the development site post development works).

State Planning Policy 6.3 – Ningaloo Coast (SPP 6.3)

SPP 6.3 applies to all land within the Ningaloo Coast policy area. The objectives of the policy are to provide guidance on acceptable and sustainable development. The policy seeks to protect the remote values of Coral Bay. No applications for high impact tourism, residential, commercial or industrial development will be approved in Coral Bay.

The document sets out the guiding principles used to assess planning and development on the Ningaloo coast to ensure the protection and sustainable use of the environment for the future.

The proposed development is within a portion of Coral Bay identified for tourism development through the Shire of Carnarvon Local Structure Plan, the Coral Bay Settlement Structure Plan and LPS 13. The proposed development is consistent with the scale, nature and location for workforce accommodation as envisaged by the plans and as such it is considered to be consistent with SPP 6.3.

Financial Implications:

There are no financial implications related to the approval of this application.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Costs associated with parking maintenance.	Low	Responsibilities to be set out in a Deed of Agreement.
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	Complying with conditions	Low	Including measurable conditions on the Development Approval.
Property	Development entails parking facilities on public land.	Low	Including measurable conditions on the Development Approval. Responsibilities to be set out in a Deed of Agreement.
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*.

Objective 1: Economic

A strong and growing economy, with a thriving regional centre, abundant business opportunities and jobs.

ITEM	Outcomes and Strategies
1.2	Thriving tourism industry within the district/region
1.2.1	Promote the district of the Shire of Carnarvon as a tourism destination within the wider Coral Coast tourism region
1.2.2	Support the development and promotion of tourism attractions in the district of the Shire of Carnarvon
1.2.3	Support the development and promotion of cultural tourism in the district of the Shire of Carnarvon

Objective 2: Natural and built environment.

A sustainable natural and built environment that meets current and future community needs.

ITEM	Outcomes and Strategies
2.7	Regulated land use to meet the current and future needs of the community
2.7.1	Incorporate appropriate planning controls for land use planning and development
2.7.2	Adopt appropriate land use planning and building regulation practices

Comment:

This report has detailed the relevant strategic and statutory documents, including LPS 13, Lot 308 Outline Development Plan, State Planning Policies, the Coral Bay Settlement Structure Plan (CBSSP) and the policy context of the Ningaloo Coast pertinent to the assessment of 42 workforce accommodation units at Lot 308 Banksia Drive, Coral Bay. The proposal is generally consistent with the requirements and objectives of these policies.

The applicant has addressed onsite parking provision via a proposal for street verge parking facilities and cash in lieu and as provided for under Clauses 31.8 and 31.9 of LPS 13. It is considered that the proposed carparking arrangements are acceptable on the basis that:

- The subject land is relatively remote from the main Coral Bay activity areas.
- The proponent will be responsible for the construction of the 42 offsite carparking facilities and ongoing maintenance will be addressed through conditions of approval.
- The applicant is to pay the Shire a cash in lieu sum of \$15,540 which is to be held in a separate reserve or trust account to be spent by the Shire on providing, maintaining, upgrading or replacing public car parking spaces or facilities in Coral Bay.
- The development is not anticipated to generate a high number of vehicular trips.
- A number of people occupying the units will walk or bicycle the 1.2kms to the Ningaloo Reef Resort for their work shift, further reducing the number of vehicle movements.
- The proposed road reserves to be utilised for the offsite parking will have sufficient capacity to accommodate the parking bays without creating traffic congestion.
- The Shire will have an opportunity to establish specific parking controls for Lot 308 when the future Local Development Plan is prepared.

In addition to the provision of the verge parking to a standard acceptable to the Shire the applicant, in accordance with LPS 13, will provide cash in lieu that takes into account parking and manoeuvring areas which would have occupied a proportion of Lot 4. The cash in lieu component is \$15,540.

The development is considered to be generally in accordance with the relevant strategic and statutory requirements, therefore approval of the 42 workforce accommodation units is recommended subject to conditions.

OFFICER'S RECOMMENDATION

That Council, by Simple Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves that development approval for application P47/21 for 42 WORKFORCE ACCOMMODATION UNITS at Lot 308 (No. 19) Banksia Drive, Coral Bay is granted, subject to the following conditions:

1. *The development is to be generally in accordance with the approved plans as submitted to the Shire on 15 December 2021 including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*
2. *This development approval relates to the following plans:*
 - *Workers Accommodation Village Parking Areas Layout CRB-002-GEN-SKT-001 Rev B dated 8/02/22*
 - *Workers Accom. Type 1A – Floor Plan dated 12/06/21*
 - *Workers Accom. Type 1A – Elevation 1 & 2 dated 12/06/21*
 - *Workers Accom. Type 1A – Elevation 3 & 4 dated 12/06/21*
 - *Workers Accom. Type 1A – 3D Views dated 12/06/21*
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 - *Workers Accom. Type 2B – Floor Plan dated 12/06/21*
 - *Workers Accom. Type 2B – Elevation 1 & 2 dated 12/06/21*
 - *Workers Accom. Type 2B – Elevation 3 & 4 dated 12/06/21*
 - *Workers Accom. Type 2B – 3D Views dated 12/06/21*
 - *Workers Accom. Type 2C – Floor Plan dated 19/05/21*
 - *Workers Accom. Type 2C – Elevation 1 & 2 dated 19/05/21*
 - *Workers Accom. Type 2C – Elevation 3 & 4 dated 19/05/21*
 - *Workers Accom. Type 2C – 3D Views dated 19/05/21*
 - *Workers Accom. Type 2D – Floor Plan dated 12/06/21*
 - *Workers Accom. Type 2D – Elevation 1 & 2 dated 12/06/21*
 - *Workers Accom. Type 2D – Elevation 3 & 4 dated 12/06/21*
 - *Workers Accom. Type 2D – 3D Views dated 12/06/21*
 - *T Building 1 – Floor Plan dated 12/06/21*
 - *T Building 1 – Elevations dated 12/06/21*
 - *T Building 1 – Roof Line dated 12/06/21*
 - *T Building 1 – 3D Views dated 12/06/21*
 - *T Building 2 – Floor Plan dated 12/06/21*
 - *T Building 2 – Elevations dated 12/06/21*
 - *T Building 2 – Roof Line dated 12/06/21*
 - *T Building 2 – 3D Views dated 12/06/21*
3. *Prior to the commencement of works:*
 - a. *A Deed of Agreement must be prepared by the Shire's solicitors at the applicant's cost, which includes the lodgement of a caveat on title. The Deed will include conditions that:*
 - i. *the RAC agrees to indemnify, maintain and take out insurance over the parking and landscaping areas within the road verges.*

- ii. *the off-site parking constructed in the road reserve will, when constructed, be designated public parking.*
 - b. *Payment of \$15,540 must be made to the Shire of Carnarvon, which is to be held in a reserve or trust account to be spent on providing, maintaining, upgrading or replacing public ~~car~~ parking spaces or facilities in Coral Bay.*
 - c. *Plans must be submitted showing details of stormwater and roof run-off disposal that demonstrate consistency with the Stormwater Management Manual for Western Australia and must be approved by the Shire of Carnarvon.*
 - d. *a Dust Management Plan must be submitted to and approved by the Shire of Carnarvon and the implementation of the approved plan must be undertaken at each stage of the development of the site to the satisfaction of the Shire of Carnarvon.*
 - e. *Amended landscape plans must be submitted to and approved by the Shire of Carnarvon based on the revised car parking layout plan as per drawing CRB-002-GEN-SKT-001 Rev B dated 8/02/22 to the satisfaction of the Shire of Carnarvon.*
4. *Prior to the occupation of the development the permit holder ensures that:*
- a. *All drainage infrastructure as part of the approved plan must be completed in accordance with the stormwater and run-off disposal plans approved by the Shire of Carnarvon.*
 - b. *The areas set aside for parking of vehicles and vehicle access in the road reserve as shown on the approved plans must be:*
 - *Designated public parking;*
 - *Constructed;*
 - *Properly formed to such levels that they can be used in accordance with the plans;*
 - *Parking areas surfaced with an all-weather sealcoat or treated to the satisfaction of the Shire of Carnarvon; and*
 - *Drained and maintained to the satisfaction of the Shire of Carnarvon.*
 - c. *The car spaces, and accessways must be kept available for these purposes at all times, to the satisfaction of the Shire of Carnarvon.*
 - d. *No fewer than 42 car spaces must be constructed as per the approved plans to the satisfaction of the Shire of Carnarvon.*
 - e. *The development must be connected to a reticulated water supply to the requirements of the Water Corporation and to the satisfaction of the Shire of Carnarvon.*
 - f. *The development must be connected to a reticulated deep sewer to the requirements of the Water Corporation and to the satisfaction of the Shire of Carnarvon.*
 - g. *The landscaping and reticulation must be established in accordance with the approved Landscape Plans and thereafter maintained to the satisfaction of the Shire of Carnarvon.*

Advice Notes:

- i. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- ii. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.*
- iii. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 1911. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. To assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*
- iv. *The clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are*

advised to contact the Department of Environmental Regulation on (08) 9725 4300 for further advice in this regard.

- v. *The applicant is advised of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during construction.*
- vi. *Unless otherwise specified or approved in writing, the Local Government Guidelines for Subdivisional Development by the Institute of Public Works Engineering Australia (WA Division) are deemed to satisfy the minimum standards which will be accepted by the Shire of Carnarvon in granting clearance to development applications. The guidelines are available here:
<https://www.dplh.wa.gov.au/information-and-services/subdivisions,-leases-and-licences-on-freehold-land/local-government-guidelines-for-subdivisional-deve>*
- vii. *This planning approval does not remove or affect any statutory responsibility or obligation the owner may have under the Strata Titles Act 1985 as amended.*
- viii. *A Dial Before You Dig enquiry will assist you in determining if your proposed works are impacted by any existing or proposed underground pipes and cables in the immediate vicinity.*
- ix. *The owner of Lot 308 will be required to prepare and have endorsed by the Shire and the WAPC a Local Development Plan before the Shire will approve development within Lot 308 outside of the land contained within subdivision Approval No. 154764.*

FC 20/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Vandeleur

That Council, by Simple Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves that development approval for application P47/21 for 42 WORKFORCE ACCOMMODATION UNITS at Lot 308 (No. 19) Banksia Drive, Coral Bay is granted, subject to the following conditions:

1. *The development is to be generally in accordance with the approved plans as submitted to the Shire on 15 December 2021 including any amendments placed thereon by the Shire of Carnarvon and except as may be modified by any other conditions of this approval or with prior written approval of the Shire of Carnarvon.*
2. *This development approval relates to the following plans:*
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3. *Prior to the commencement of works:*
- a. *A Deed of Agreement must be prepared by the Shire’s solicitors at the applicant’s cost, which includes the lodgement of a caveat on title. The Deed will include conditions that:*
 - i. *the RAC agrees to indemnify, maintain and take out insurance over the parking and landscaping areas within the road verges.*
 - ii. *the off-site parking constructed in the road reserve will, when constructed, be designated public parking.*
 - b. *Payment of \$15,540 must be made to the Shire of Carnarvon, which is to be held in a reserve or trust account to be spent on providing, maintaining, upgrading or replacing public car parking spaces or facilities in Coral Bay.*
 - c. *Plans must be submitted showing details of stormwater and roof run-off disposal that demonstrate consistency with the Stormwater Management Manual for Western Australia and must be approved by the Shire of Carnarvon.*
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 - e. *Amended landscape plans must be submitted to and approved by the Shire of Carnarvon based on the revised car parking layout plan as per drawing CRB-002-GEN-SKT-001 Rev B dated 8/02/22 to the satisfaction of the Shire of Carnarvon.*
4. *Prior to the occupation of the development the permit holder ensures that:*
- a. *All drainage infrastructure as part of the approved plan must be completed in accordance with the stormwater and run-off disposal plans approved by the Shire of Carnarvon.*
 - b. *The areas set aside for parking of vehicles and vehicle access in the road reserve as shown on the approved plans must be:*
 - *Designated public parking;*
 - *Constructed;*
 - *Properly formed to such levels that they can be used in accordance with the plans;*
 - *Parking areas surfaced with an all-weather sealcoat or treated to the satisfaction of the Shire of Carnarvon; and*
 - *Drained and maintained to the satisfaction of the Shire of Carnarvon.*
 - c. *The car spaces, and accessways must be kept available for these purposes at all times, to the satisfaction of the Shire of Carnarvon.*
 - d. *No fewer than 42 car spaces must be constructed as per the approved plans to the satisfaction of the Shire of Carnarvon.*
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 - g. *The landscaping and reticulation must be established in accordance with the approved Landscape Plans and thereafter maintained to the satisfaction of the Shire of Carnarvon.*

Advice Notes:

- i. *If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
 - ii. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.*
 - iii. *This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 1911. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. To assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Carnarvon Building Services on (08) 9941 0000.*
 - iv. *The clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environmental Regulation on (08) 9725 4300 for further advice in this regard.*
 - v. *The applicant is advised of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during construction.*
 - vi. *Unless otherwise specified or approved in writing, the Local Government Guidelines for Subdivisional Development by the Institute of Public Works Engineering Australia (WA Division) are deemed to satisfy the minimum standards which will be accepted by the Shire of Carnarvon in granting clearance to development applications. The guidelines are available here:
<https://www.dplh.wa.gov.au/information-and-services/subdivisions,-leases-and-licences-on-freehold-land/local-government-guidelines-for-subdivisional-deve>*
 - vii. *This planning approval does not remove or affect any statutory responsibility or obligation the owner may have under the Strata Titles Act 1985 as amended.*
 - viii. *A Dial Before You Dig enquiry will assist you in determining if your proposed works are impacted by any existing or proposed underground pipes and cables in the immediate vicinity.*
 - ix. *The owner of Lot 308 will be required to prepare and have endorsed by the Shire and the WAPC a Local Development Plan before the Shire will approve development within Lot 308 outside of the land contained within subdivision Approval No. 154764.*
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7.4 INFRASTRUCTURE SERVICES

7.4.1 RFT 01/2022 MIDDALYA RIVER CROSSING FLOOD DAMAGE REINSTATEMENT WORKS

2.05pm – Cr Skender declared an Impartiality Interest in this item as his partner is co-author of the report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

File No.	ADM2155
Date of Meeting:	22 February 2022
Location/Address:	Middalya Crossing on Minilya – Lyndon Road
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Project Contracts Manager David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	FC 6/2/21, FC 22/3/21, SCM 2/4/21 and SCM 3/1/22
Schedules:	Confidential Schedule 7.4.1 - Recommendation report

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This report details the process undertaken for Request for Tender (RFT) 01/2022 – Middalya Crossing Flood Damage and Upgrade Works (II). Award of a contract for the works to Exmouth Civil Pty Ltd is recommended.

Background:

The Shire suffered damage to various road assets from the TL12U flooding event in February 2021. Reinstatement cost for repair of these roads qualifies for Disaster Recovery Funding Arrangements – Western Australia (DRFA-WA).

The Middalya Crossing (Minilya – Lyndon Road), completed in September 2020, is part of the road assets damaged during the TL12U flooding event. Sections of the concrete crossing have been undermined by the impact of the flood. In some sections cracking of the concrete slabs has occurred. The Tender has made allowances for full replacement of these sections of the crossing where required to restore the crossing to its pre flood condition.

Further betterment works, including installation of an upstream (concrete) cut-off wall for the full length of the crossing (345 meters) is included in the Tender. These works are included to ensure the crossing is improved to a standard that best minimises risk of further flood damage.

In November 2021 Tender RFT 10/2021 Middalya Crossing Flood Damage and Upgrade works was advertised. This Tender closed on 1 December 2021 with nil submissions received. The Middalya Crossing works were retendered as RFT 01/2022 in January 2022 with modifications to the scope of works to try and attract suitable contract services.

Reinstatement of the rock protection was part of the original Tender. Upon review it was decided to separate the concrete reinstatement works from the rock protection works. By removing the rock protection works it was intended to avoid potential risk of Tenderers not taking part in this Tender due to not being able to perform both work types.

Rock protection works was included as part of Tender RFT 09/2021 Supply of Plant and Operators for Road Flood Damage Repairs, Package 1 – North awarded at the Special Council Meeting on 17 January 2022. The Tender offered sufficient flexibility to include this work, with the contract including rates for the supply of rock protection.

Tender, RFT 01/2022 closed on 1 December 2022. Only one submission was received from Exmouth Civil Pty Ltd. The panel has evaluated and scored that submission. A detailed Evaluation and Recommendation Report is provided in ***Confidential Schedule 7.4.1***.

Stakeholder and Public Consultation:

Greenfield Technical Services – Shire DRFWA Project Managers

Statutory Environment:

Local Government Act, 1995 – Section 3.57 *Tenders for providing goods or services*.

Local Government (Functions and General) Regulations, 1996 – Division 2 *Requirements for Tendering*.

Relevant Plans and Policy:

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy.

Financial Implications:

There are financial implications associated with the recommendation however anticipated expenditure is covered by existing approved funding arrangements.

Crossing reinstatement works are funded under the DRFA-WA program. In September 2021 DFES accepted a cost estimate and funding submission for an approximate value of \$11.8 Million, including the cost of external project management.

The contracted schedule of rates for the works is fed back into the approved funding estimate to arrive at a revised total funding value. That work is currently being completed through the Shire's project managers Greenfield Technical Services.

Final payment from DFES is based upon actual cost of completing the works at the various schedules of rates. A portion of the works included in the recommendation is betterment works not funded under the DRFA-WA program.

At the Ordinary Meeting of Council in March 2021, Council resolved to allocate \$310,000 of funding from the Local Roads & Community Infrastructure Phase 2 toward betterment works on both the Minilya Lyndon Road and the Wahroonga Pimbee Road. The works proposed included:

- Minilya – Lyndon Road – Middalya Crossing: Install Upstream Protection on Middalya Floodway
- Wahroonga – Pimbee Road: Install Culverts on Wahroonga Pimbee Road

Betterment works for the Middalya Crossing are considered the highest priority of these two items. Based upon the estimated cost it is unlikely sufficient funds will be available for the Wahroonga – Pimbee Road culvert works.

At present no immediate additional funding for the Wahroonga – Pimbee Road culvert works has been identified. An application under the Remote Roads Upgrade Pilot Program has been submitted for funding up to 28km of upgrade works to Wahroonga - Pimbee Road which includes among other items, culvert installation. (Refer to **Agenda Item 7.4.4** for detail of that funding submission.)

Depending on the actual cost and timing of the Middalya Crossing betterment works, it is not possible at this stage to definitively advise that funding is available to complete the betterment works on Wahroonga – Pimbee Road.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood	Almost certain	High	High	Extreme	Extreme	Extreme
	Likely	Moderate	High	High	Extreme	Extreme
	Possible	Low	Moderate	High	Extreme	Extreme
	Unlikely	Low	Low	Moderate	High	Extreme
	Rare	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	1. Claims submitted by the Shire are not compliant under the DRFA-WA program resulting in rejection of recoup claims.	1. C3: High	1. An experienced project manager has been engaged to ensure funding claims and associated recovery work is controlled and compliant with the DRFA-WA program requirements.
	2. Temporary cashflow deficiencies receiving multiple invoices at the same time.	2. C3: High	2. DFES offers an advance payment of 20% of the total project upon award of the contract(s). This will support the receipt of the first few invoices. Depending on the commencement of works and the invoice amounts the Shire most likely will require a short term loan (12 months).
	3. Further delays in the flood repair project will jeopardize the funding when the project is not completed on time	3. C3: High	3. Award the contract

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Health & Safety	N/A		
Reputation	Unserviceable roads reflect badly on the Shire. Failing to appoint contractor will further delay reinstatement works.	C3: High	Award the contract.
Service disruption	N/A		
Compliance	N/A		
Property	Further damage to the crossing due to future flooding, particular during cyclone season.	B3: High	Award the contract.
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use

Comment:

Although not ideal having a single tender submission only to consider, the overall quality of the submission demonstrated to the panel that the recommended contractor has sufficient resources, the necessary personnel and relevant experience to conduct the required works.

A “belts and braces” approach to the crossing betterment works (upstream concrete edge wall protection and upstream rock protection) provides mitigation of risk of similar future damage and is recommended.

OFFICER’S RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, resolves to accept the submission and schedule of rates from Exmouth Civil Pty Ltd for the performance of all works under RFT 01/2022 Middalya Crossing Flood Damage and Upgrade works (II) and record the schedule of rates in the Tender Register.

OFFICER’S RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Exmouth Civil Pty Ltd for the performance of all works of RFT 01/2022 Middalya Crossing Flood Damage and Upgrade works (II).

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

PART ONE

That Council, by Simple Majority, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996, resolves to accept the submission and schedule of rates from Exmouth Civil Pty Ltd for the performance of all works under RFT 01/2022 Middalya Crossing Flood Damage and Upgrade works (II) and record the schedule of rates in the Tender Register.

PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and Exmouth Civil Pty Ltd for the performance of all works of RFT 01/2022 Middalya Crossing Flood Damage and Upgrade works (II).

CARRIED**F7/A0****7.4.2 BLOWHOLES TOURISM PRECINCT REDEVELOPMENT PROJECT COMPLETION PLAN**

2.06pm – Cr Skender declared an Impartiality Interest in this item as his partner is co-author of the report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

File No.	ADM1762
Date of Meeting:	22 February 2022
Location/Address:	Blowholes – day use facilities
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Project Contracts Manager David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	SCM 2/5/20
Schedules:	Schedule 7.4.2(a) – Project Status Schedule 7.4.2(b) – Revised Platform Concept Schedule 7.4.2(c) – Project Completion Plan

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.

	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
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Summary of Item:

A Project Completion Plan for the Blowholes Tourism Precinct Redevelopment has been developed and is recommended to Council for endorsement including authorisation for the CEO to negotiate and finalise the funding arrangement with the Department of Primary Industries and Regional Development (DPIRD).

Background:

At its Special Council meeting on 21 May 2020 Council awarded contract RFT 03/2020 for the Design and Construction of Tourism Facilities at Blowholes.

This project included multiple improvements to day use facilities across three Blowholes Reserve area sites. Works included car parks, viewing platforms, public toilets, picnic shelters, signage, and a walkway.

Schedule 7.4.2(a) summarises the status of the project elements.

Project elements requiring Council consideration centres around destruction of the walkway at the Blowholes viewing area, Site 1.

On 13 July 2021 the Carnarvon coast was impacted by a significant swell event. Large wave impacts resulted in the walkway being irreparably damaged. Demolition and removal of the remnants of the structure was required.

Walkway construction cost was \$237,600. An insurance claim was lodged and an insurance payout value of \$198,475 was approved by the Shire’s insurer LGIS and subsequently paid to the Shire. There is no obligation for that insurance payout to be utilised for reconstruction of the destroyed walkway and view platforms.

This event has delayed project completion until a way forward could be determined. This report recommends a plan for the successful project completion which should satisfy the project funding arrangements.

Stakeholder and Public Consultation:

Northern Aspects – Project Contractor
 Department of Primary Industries and Regional Development
 Gascoyne Development Commission

Statutory Environment:

N/A

Relevant Plans and Policy:

N/A

Financial Implications:

There are financial implications associated with the recommendations. The financial commitments to are detailed in the Project Completion Plan in Schedule 7.4.2(c). All financial commitments may be met by the existing funded project budget and insurance monies already received.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence →		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood ↙						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme

Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Cost escalation.	C2 – Moderate	Escalation has been included in estimates with a specific allowance made for contingency.
	Failure to complete the funded project by 30 June 2022 risks existing funding.	D3 - Moderate	Scope reduced to interpretive platform only as recommended in Completion Plan.
Health & Safety	Risk to public from waves impacting boardwalk users	C5 - Extreme	Scope reduced to interpretive platform only as recommended in Completion Plan.
Reputation	Incomplete project seen as project failure.	C2 - Moderate	Endorse project Completion Plan.
Service disruption	N/A		
Compliance	N/A		
Property	Damage to walkway likely if rebuilt to same standard.	A3- Extreme	Scope reduced to interpretive platform only as recommended in Completion Plan.
Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.4	Parks, gardens and open space appropriately managed according to their need and use
2.6.5	Buildings and facilities are appropriately managed according to their need and use

Goal 4: Cross-cultural connection

Acknowledged and celebrated traditional owners and diverse cultures that make up the community.

ITEM	OUTCOMES AND STRATEGIES
4.1	The community's distinctive cultural mix and history is acknowledged and celebrated
4.1.1	Ilingarrda, the first people of this area, are acknowledged and celebrated

Goal 5: Civic

Strong and listening Council.

ITEM	OUTCOMES AND STRATEGIES
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

Comment:

The Blowholes project under Contract RFT 03/2020 is funded by the Department of Primary Industries and Regional Development (DPIRD). Funding received in 2010/11 included two project stages. The first stage was for construction of ablution facilities. Those works were completed in 2013/14.

The second stage included development of day use facilities generally outlined in the Blowholes Master Plan. It should be noted; the 2014 Blowholes Management Plan superseded the Blowholes Master Plan however the day use facilities remained consistent.

The walkway was a significant project feature. Its destruction and replacement raise simultaneous and inter-related practical, financial and risk issues as follows:

- Proposed Blowholes site interpretive signage had signage being installed along the boardwalk and view platforms. Some form of structure is required to maintain interpretive signage project elements;
- Structurally, a solid concrete walkway and platforms is the necessary engineering solution to resist wave action previously demonstrated;
- Concrete walkway construction requires either a concrete pump, an access track or crane and kibble arrangement to deliver concrete onto the cliff where it is poured to form a walkway. These all contribute to make the unit rate for walkway construction higher than the previous walkway structure;
- Insufficient project budget (including the insurance payment) remains available to complete a solid concrete boardwalk with platforms to the same length as previously proposed and the interpretative signage project elements; and
- A platform of a reduced length (say half) will still place users at risk of waves from swell events. This risk is rated as extreme – Possible with extreme consequences.

As a result, replacement with even a partial walkway is not recommended.

The recommended option is to construct a concrete interpretive platform area adjacent to the carpark as indicated in **Schedule 7.4.2(b)**.

This option:

- is able to be constructed with no specialist equipment requirements;
- will be used to support the interpretive signage elements;
- can be funded within the existing available project budget; and
- reduces the public risk to a level assessed as Low – Unlikely with minor consequences.

If endorsed, this element would proceed as a variation under the existing RFT 03/2020 contract as it is necessary to coordinate the revised platform with the signage works already a part of that contract.

The Department has been updated on the boardwalk destruction and insurance claim. To progress completion of the Blowholes Tourism Precinct Redevelopment Project, DPIRD officers have generally agreed to proceed on the following basis:

1. Complete designs for all interpretive signage (Sites 1 and 2);

2. Complete design for interpretive platform at Site 1 as generally indicated in Schedule 7.4.2(b);
3. Approval of items 1 and 2 by the Department/Project Working Group with construction of these elements;
4. That would complete the funding agreement requirements to a point where the project may be acquitted and closed; and
5. Allocation of insurance monies to alternative day use facilities only at the Blowholes. These items would be undertaken separate from the funded works and are therefore not time critical in relation to a funding program.

In addition, the Gascoyne Development Commission (GDC) is currently working on development of an additional shelter adjacent to Site 2 to specifically recognise indigenous cultural aspects of the area. It is likely that procurement of that structure and interpretive signage will occur under Shire auspice due to statutory limitations within GDC operations. GDC have however undertaken to complete all project management activities associated with the project.

GDC are attempting to source some additional private sector funding for this project. Latest advice indicated high confidence in sourcing those funds.

As the infrastructure will be on a Shire controlled reserve, the Shire will ultimately become responsible for its care and control. It is important therefore that the Shire has input to the project not only in terms of asset durability but also as it supports development of day use facilities generally and will be a visitor facility improvement for the area.

It is recommended that a portion of the available insurance monies contribute to this element and is included in the Project Completion Plan.

Further, erosion of an area of beach dune between Sites 2 and 3 occurred at the July 2021 swell event and the 2021 Cyclone Seroja. The Project Completion Plan proposes an allocation of \$50,000 toward erosion control at that site. In particular, Coast WA grants are currently open, and it may be possible to leverage up to an additional \$60,000 for erosion control and coastal remediation works.

The full proposed Project Completion Plan is provided in full summary in **Schedule 7.4.2(c)**.

OFFICER'S RECOMMENDATION PART ONE

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 endorses the Project Completion Plan for the Blowholes Tourism Precinct Redevelopment Project as follows:

Contract Works – RFT 03/2020 - Funded through existing DPIRD funding agreement.

Balance of Project Funds: \$116,991.43

<i>Site</i>	<i>Site Works</i>	<i>Estimated Cost</i>	<i>Estimated Completion</i>	<i>Comment</i>
<i>Site 1</i>	<i>Interpretive Platform</i>	<i>\$61,000</i>	<i>June 2022</i>	<i>By existing contractor</i>
<i>Site 1 and 2</i>	<i>Interpretive Signage</i>	<i>\$55,000</i>	<i>June 2022</i>	<i>By existing contractor</i>
<i>Total</i>		<i>\$116,000</i>		

Shire of Carnarvon Funded Works Funded through insurance funds received from destruction of walkway.

Balance of Insurance Funds: \$198,475

<i>Site</i>	<i>Site Works</i>	<i>Estimated Cost/Allocation</i>	<i>Comment</i>

Site 2	Upgrade/replace existing steel stairs with suitable high corrosion resistant equivalent	\$65,000	Cost is based on previous quotation received with 35% escalation.
Between Site 2 and 3	Erosion control works on beach area between the two sites.	\$50,000	Leverage funds toward funding application under CoastWA grants. Potential to leverage total project budget of \$110,000.
Site 3	Repair and refurbishment of three existing beach shelters	\$25,000	Existing beach shelters require timber beams to be re painted and have stainless roof sheeting installed.
Site 2	Contribution to GDC Indigenous recognition project as project partner.	\$33,475	Project likely to consist of a shelter with indigenous interpretive features.
All Sites	Project Contingency	\$25,000	May be utilized on any element.
Total		\$198,475	

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 authorises the CEO to negotiate and finalise with the Department of Primary Industries and Regional Development the Project Completion Plan for completion of the Blowholes Tourism Precinct Redevelopment Project as detailed above.

FC 22/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Ferreirinha

PART ONE

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 endorses the Project Completion Plan for the Blowholes Tourism Precinct Redevelopment Project as follows:

Contract Works – RFT 03/2020 - Funded through existing DPIRD funding agreement.

Balance of Project Funds: \$116,991.43

Site	Site Works	Estimated Cost	Estimated Completion	Comment
Site 1	Interpretive Platform	\$61,000	June 2022	By existing contractor
Site 1 and 2	Interpretive Signage	\$55,000	June 2022	By existing contractor
Total		\$116,000		

Shire of Carnarvon Funded Works Funded through insurance funds received from destruction of walkway.

Balance of Insurance Funds: \$198,475

Site	Site Works	Estimated Cost/Allocation	Comment
Site 2	Upgrade/replace existing steel stairs with suitable high corrosion resistant equivalent	\$65,000	Cost is based on previous quotation received with 35% escalation.
Between Site 2 and 3	Erosion control works on beach area between the two sites.	\$50,000	Leverage funds toward funding application under CoastWA grants. Potential to leverage total project budget of \$110,000.

Site 3	Repair and refurbishment of three existing beach shelters	\$25,000	Existing beach shelters require timber beams to be re painted and have stainless roof sheeting installed.
Site 2	Contribution to GDC Indigenous recognition project as project partner.	\$33,475	Project likely to consist of a shelter with indigenous interpretive features.
All Sites	Project Contingency	\$25,000	May be utilized on any element.
Total		\$198,475	

PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 authorises the CEO to negotiate and finalise with the Department of Primary Industries and Regional Development the Project Completion Plan for completion of the Blowholes Tourism Precinct Redevelopment Project as detailed above.

CARRIED
F7/AO

7.4.3 AMENDMENTS TO TIP FEES AND CHARGES

File No: ADM0002
Date of Meeting: 22 February 2022
Location/Address: Brown Range Waste Facility
Name of Applicant: N/A
Name of Owner: Shire of Carnarvon
Author/s: David Nielsen, Executive Manager Infrastructure Services
Gloria Quinn, Executive Administrator
Declaration of Interest: Nil
Voting Requirements: Recommendation 1 - Absolute Majority
Recommendation 2 – Simple Majority
Previous Reports: Nil
Schedules: Schedule 7.4.3(a) - Table of Proposed Fee Changes
Schedule 7.4.3(b) - Correspondence MKB Skip Bins

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

This report details requested amendments to Browns Range Waste Facility fees and charges for consideration by Council and recommends some fee amendments.

Background:

Feedback and comment from commercial operators have been received that the adopted fees for Browns Range Waste Facility impact unfairly on their business operations or have other implications regarding waste management objectives.

Research has been conducted into four (4) of current fees and charges the subject of this comment/feedback. The four charges reviewed are as follows -

- \$37.00 service fee plus tonnage charge
- Tyre disposal charges
- Mobile Traders waste fee (\$10.00 per day)
- The charge for disposal of commercial waste from outside the Shire district

Stakeholder and Public Consultation:

Jolly’s Tyrepower Carnarvon
MKB Industries

Statutory Environment:

Local Government Act 1995 Section 6.16. - Imposition of fees and charges

Relevant Plans and Policy:

Nil applicable.

Financial Implications:

There are no material financial implications associated with the recommendation other than the removal of the mobile trader waste fee. A mobile trader operating 5 days per week, 48 weeks per year would incur waste fees of \$2400p.a. No allowance for this waste fee was included in 2021/22 revenue estimates for the waste facility and the fee has been held in abeyance since its introduction.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Removing service fee at the landfill site may result in a reduction of income.	C3 – Major	Analyse at least 12 months of waste data on revenue generated by the service fee with a view to increase “by weight” fees and charges to compensate for estimated loss of revenue from the removal/reduction of the service fee.
	The removal of the Mobile Trader’s Waste	A2 - High	A waste charge included in the license fee and consideration on a case-by-case

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
	Fee will reduce revenue.		basis is considered a more fair and equitable charge.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	Waste stockpiling on properties constitutes an environmental hazard. Tyre disposal fees lower than commercial services encourages tyre disposal at the waste facility.	B3 - High C2 - Moderate	Review service charge as noted previously. Encourage regular full load disposal at waste facility to avoid stockpiling. Matching or exceeding local tyre business charges as recommended encourages customers to leave tyres with the local business where they are recycled appropriately.
Fraud	N/A		

Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.4	Waste management practices that are efficient and sustainable
2.4.2	Provide landfill disposal facilities in Carnarvon and Coral Bay

Comment:

Review of Service Charge

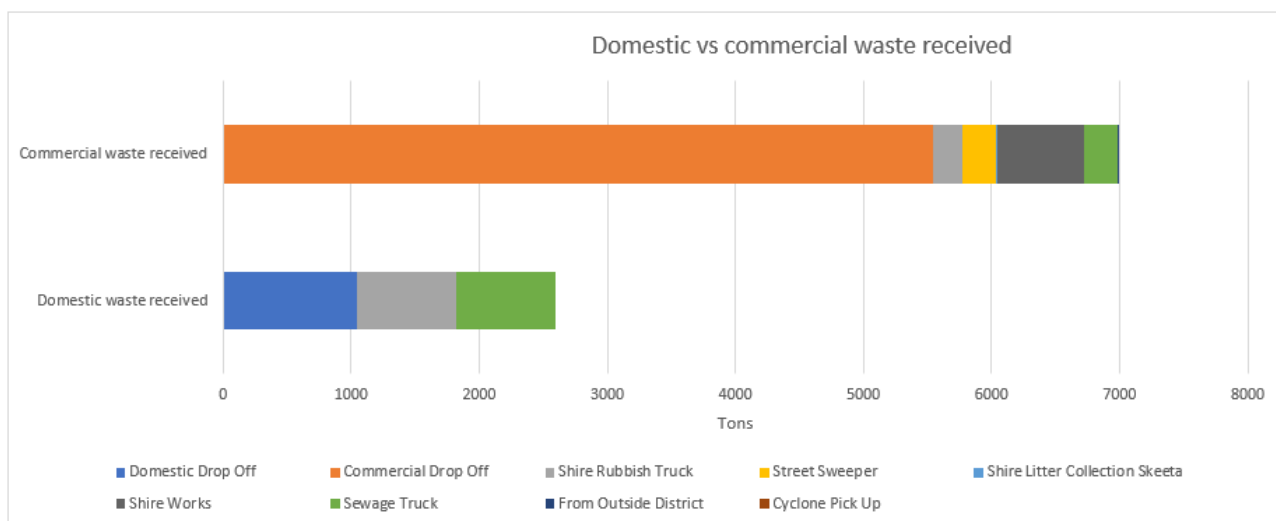
During a 2021 Gascoyne Floodplain Working Group meeting, it was raised that the existing \$37.00 service charge per load for commercial operators to drop off at the waste facility may be an impediment to plantation operators taking plantation waste to the landfill site.

It was put that this charge results in waste stockpiling on plantations as the plantation owners will wait until there is a full load to minimise service charges. Anecdotal evidence indicates that stockpiles observed on plantations would exceed any reasonable full load of material. It is therefore unclear that a service charge reduction/elimination would have any effect as the practice appears to be entrenched poor waste management farm practice behaviour by a relative minority of individuals.

Stockpiling is unsightly and creates potential health/vermin risks. Where stockpiling occurs in water courses or in flood affected areas, this impacts water flows and has been seen to result in widespread downstream distribution of waste by the floodwaters.

In December 2021 staff at the Brown Range Waste Facility commenced documenting and categorising waste material inputs to a higher level of detail than previously. This measure was completed to align data capture more closely with statutory reporting requirements and to improve data availability for waste management planning. It also eliminated cumbersome and potentially contradictory or inaccurate "hand" data analysis.

Some trends are emerging from this data. Commercial drop off to the tipsite is clearly the largest contributor by weight of waste received at the landfill. The graph below shows YTD quantities received by weight.



Further analysis is required to determine the direct effect of removing or lowering the service charge and the increase on “by weight” charges to ensure that overall, no nett reduction in budgeted waste fee revenue occurs.

At the present time, there is insufficient data to make an informed analysis which accounts for seasonal fluctuations and a change to this fee is not therefore recommended. It is proposed to revisit possible amendment of the service charge and tonnage rates when more data is available.

Tyre Disposal Charge

Discrepancy currently exists between the waste facility tyre disposal fees and disposal charges to customers at local tyre businesses. The table below provides a comparison:

TYRE TYPE	BROWN RANGE WASTE FACILITY (PER TYRE)	JOLLY'S TYREPOWER CARNARVON (PER TYRE)
Car and Motorbike Tyres	\$10.00	\$12.50
4WD and Light Truck Tyres	\$15.00	\$12.50
Truck Tyres	\$35.00	\$20.00 - \$30.00
Tractor/Earthmoving Tyres (Small - up to 1 metre)	\$95.00	\$128.00
Tractor/Earthmoving Tyres (Large - over 1 metre)	\$150.00	\$320.00

Where a Shire fee is lower, potential exists to encourage tyre service customers to dispose of tyres at the tipsite.

Retail tyre services typically collect and freight waste tyres south for recycling. The Shire does not currently freight tyres. When tyre fees and charges are comparable with the commercial tyre services, actual landfill tyre disposals are low. Tyre disposal at the landfill site is deliberately discouraged by matching or exceeding commercial operator fees due to the high landfill volume consumption associated with tyre disposal.

Consultation with Jolly's Tyrepower has indicated that their disposal charges are set to increase within the next month due to increased costs associated with freight and recycling.

It is proposed to amend the Shire's fees and charges to at least match local tyre service disposal charges discouraging tyre disposal at the waste facility. **Schedule 7.4.3(a)** details the fee proposed amendments.

Mobile Traders Waste Fee

In August 2021, Council included in a Coral Bay mobile trader application decision, imposition of "A bin charge of \$10 per day associated with the adopted fees and charges will be invoiced on a monthly basis. (refer FC 11/8/21). The bin charge was subsequently adopted in the 2021/22 fees and charges adoption process.

Objection to this charge from licensed mobile traders were raised upon its imposition. A meeting with Shire officers and local mobile traders was held in November 2021. The \$10.00 daily fee for mobile trader waste disposal was challenged by all traders present expressing concern that the fee was grossly unfair and, in some cases, resulted in them paying waste disposal fees twice.

Typically, the traders considered the fee to be unrepresentative of the amount of waste their operation generates. One example was a mobile coffee van producing basically only a small bag of coffee granules each day which is disposed of by the operator as either personal compost or in their domestic service bin. Another operator, trading from private property, already paid the landowner for a bin for their waste generated, so they were in effect, paying twice for the same waste disposal.

This fee was discussed at the November CIS meeting with a view to consider each mobile trading application on a case-by-case basis and set an appropriate waste disposal fee if warranted. As an alternate to that approach an increase to the annual mobile trader license to include a general allowance to cover waste disposal generated from an activity was also considered with a report to Council to be prepared. Imposition of the fee has been held in abeyance until this report could be prepared.

Research with other regional Shires indicates no other Shire imposing a fee for waste disposal separate from the mobile trader license fee. Quantifying an amount of waste generated by each mobile trader creates difficulties and will typically always rely upon assumptions and the nature of the business.

Waste generation from a mobile trader can be considered from two perspectives – raw product wastes (eg packaging, food scraps etc) and disposal of customer packaging. It is considered unlikely that in any current instance, an additional waste service (and additional cost to the Shire) would be required for waste generated by these traders. Disposal would most likely occur through existing domestic bins and/or public bins, both of which are already provided with a service.

There is no question however that a new trading operation would be a waste generator. Transparent and equitable determination of the cost of that waste disposal is difficult to quantify. A general increase in the license fee for mobile traders is considered an equitable method to ensure that a principal of payment for waste disposal their service generates is maintained like all other trading operations.

There may indeed be instances where a particular mobile trader operation generates waste that *does* require additional waste services. This can be assessed during the mobile trader application process and can be charged under existing bin hire and/or bin service fees and charges.

It is therefore recommended that the waste fee for mobile traders be removed from the fees and charges, and that the mobile trader license fee be amended to include a waste disposal component during the 2022/23 fees and charges deliberations.

The proposed amended Mobile Traders Waste Fee is included in the table at **Schedule 7.4.4(a)**.

External District Waste Fees and Timber Disposal Fees

Correspondence was received from MKB Skip Bins requesting reduction in the per tonne rate for disposal of “External District Waste” and for timber waste to be considered as green waste. A copy of that correspondence is provided in **Schedule 7.4.4(b)**.

The External District Waste fee is deliberately set at a high level to deter waste generated from outside the district being disposed of at the Browns Range facility. At one point in 2017, truckloads of tyres from Onslow were being disposed of at the Browns Range facility as it was cheaper than disposal in Onslow. The external waste fee was subsequently increased, and that disposal action ceased.

This issue was discussed at the November 2021 CIS. It was generally determined that the fees remain as they are, but a concession could be considered for local businesses bringing in external rubbish.

There appear to be a limited set of circumstances where the Shire fee would impact upon the ability of a local business to compete with other non-local contractors. Disposal of waste from Denham/Shark Bay located approximately halfway between Geraldton and Carnarvon is one instance. It is not clear however why that waste disposal could not occur at the Shark Bay waste facility.

Encouraging external waste input to Carnarvon will result in reduction of landfill volume available for the Shire’s own waste generation. A concession arrangement, or a reduction in this fee is therefore not recommended to continue an intent to discourage this waste input to the facility.

It is recommended that the current fee remain unchanged with no local concession on ‘External District Waste’.

Regarding green waste/timber waste, the 2021/22 fees and charges specifically define green waste as follows: *No contamination of green waste accepted. Contaminated green waste will be charged at the commercial putrescible rate. Contamination includes anything other than vegetation. Timber pallets, treated and untreated timber is NOT green waste.*

This condition was imposed due to increasing levels of contamination being received in the green waste area. Demolition timber with nails, screws, wire, and other attachments are typical resulting in machine damage. Statutory reporting requirements also mean that an accurate reporting of construction and demolition waste and green waste is not possible where these streams are mixed.

It is recommended that the current fee remain unchanged with only uncontaminated green waste being free disposal for both domestic and commercial customers.

Schedule 7.4.3(a) summarises the proposed amendments for Council’s consideration.

OFFICER’S RECOMMENDATION PART 1

That Council, by Absolute Majority, pursuant to Section 6.16 of the Local Government Act 1995, amends Fees and Charges as listed below:

ITEM	CURRENT FEE (INCL GST)	PROPOSED CHANGE
Service Fee	\$37.00	No change. (Review after 12 months waste data available.)
Tyre Disposal Fees		
• Car & Motorbike Tyres	\$10.00	\$12.50
• 4WD & Light Truck Tyres	\$15.00	\$15.00
• Truck Tyres	\$35.00	\$35.00
• Tractor/Earthmoving Tyres (Small - up to 1 metre)	\$95.00	\$135.00

• <i>Tractor/Earthmoving Tyres (Large - over 1 metre)</i>	<i>\$150.00 (Tyres attached to rims attract double fee.)</i>	<i>\$350.00 (Tyres attached to rims attract double fee.)</i>
<i>Mobile Trader's Waste Fee</i>	<i>\$10.00 per day</i>	<i>\$0 (Waste charge for mobile trader to be included within license fee and assessed with 2022/23 fees and charges process.)</i>
<i>External District Waste Fee</i>	<i>\$250.00per tonne</i>	<i>No change.</i>

OFFICER'S RECOMMENDATION PART 2

That Council, by Simple Majority, pursuant to Section 6.19 of the Local Government Act 1995, authorises the CEO to give public notice of its intention to amend fees and charges listed in Schedule 7.4.4(a) effective from 21 March 2022.

FC 23/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION PART ONE

Cr Fullarton/Cr Vandeleur

That Council, by Absolute Majority, pursuant to Section 6.16 of the Local Government Act 1995, amends Fees and Charges as listed below:

ITEM	CURRENT FEE (INCL GST)	PROPOSED CHANGE
<i>Service Fee</i>	<i>\$37.00</i>	<i>No change. (Review after 12 months waste data available.)</i>
<i>Tyre Disposal Fees</i>		
• <i>Car & Motorbike Tyres</i>	<i>\$10.00</i>	<i>\$12.50</i>
• <i>4WD & Light Truck Tyres</i>	<i>\$15.00</i>	<i>\$15.00</i>
• <i>Truck Tyres</i>	<i>\$35.00</i>	<i>\$35.00</i>
• <i>Tractor/Earthmoving Tyres (Small - up to 1 metre)</i>	<i>\$95.00</i>	<i>\$135.00</i>
• <i>Tractor/Earthmoving Tyres (Large - over 1 metre)</i>	<i>\$150.00 (Tyres attached to rims attract double fee.)</i>	<i>\$350.00 (Tyres attached to rims attract double fee.)</i>
<i>Mobile Trader's Waste Fee</i>	<i>\$10.00 per day</i>	<i>\$0 (Waste charge for mobile trader to be included within license fee and assessed with 2022/23 fees and charges process.)</i>
<i>External District Waste Fee</i>	<i>\$250.00per tonne</i>	<i>No change.</i>

CARRIED BY ABSOLUTE MAJORITY

F7/A0

That Council, by Simple Majority, pursuant to Section 6.19 of the Local Government Act 1995, authorises the CEO to give public notice of its intention to amend fees and charges listed in Schedule 7.4.4(a) effective from 21 March 2022.

CARRIED
F7/AO

7.4.4 REMOTE ROADS UPGRADE PILOT PROGRAM FUNDING APPLICATION

File No:	ADM0046
Date of Meeting:	22 February 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author/s:	David Nielsen, Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil
Schedules:	Nil

Summary of Item:

This item presents information on an application the Shire has submitted for funding from the Remote Roads Upgrade Pilot Program (RRUP) and seeks Council's retrospective approval for the application.

Background:

On 2 November 2021, the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development announced the Remote Roads Upgrade Pilot Program. Applications for funding are being invited from state, territory and local governments.

The Australian Government is providing \$150 million of funding for projects under the new program targeting road improvements for regional communities, and addresses significant deficiencies on key regional and rural roads that limit community access, pose safety risks and impact the economic development of the surrounding area.

This is a pilot program to assess the social and economic benefits to remote and regional communities of addressing significant deficiencies on the road network where there has not been significant investment. The Department of Infrastructure, Transport, Regional Development and Communications states the following regarding program aims:

"The Remote Roads Upgrade Pilot Program (RRUP) targets road improvements to deliver real outcomes for regional communities, and address significant deficiencies on key regional and rural roads that limit community access, pose safety risks and impact the economic development of the surrounding area.

Australia has an extensive road network, most States have programs of varying size that invest in improving the state of regional local roads to enhance connectivity, reliability and efficiency of regional communities. However, most programs and projects in regional areas target road freight efficiency and productivity. While economic activity remains an important consideration, the RRUP seeks to place a greater emphasis on the social and community benefits that can come from upgrading severely degraded and unsealed regional and remote roads.

The RRUP is consistent with Infrastructure Australia's 2021 Australian Infrastructure Plan to improve the quality of life in regional and remote areas by increasing accessibility to our regional communities and delivering essential infrastructure. Proposed projects can also support tourism in these areas.

As a pilot program, the RRUP will assess the social and economic benefits to communities of undertaking these projects and highlight the significant gaps under the current arrangements to fund roads for regional communities using existing programs.

Applications received and evaluation of the outcomes from funded projects may be used to advise the Australian Government regarding the benefits of extending the program beyond the pilot phase."

To be eligible, the project must meet the following requirements:

- **The project is to upgrade a significant length of road that is unsealed or degraded with low safety rating:** The length of road in the project application is of significant length, with program objectives targeting projects of 20 kilometres or more as an indicative guide. Applications should address the current condition of the road and associated risks. Provision of a current risk rating using a recognised standard such as the Australian National Risk Assessment Model (ANRAM) or the Australian Road Assessment Program (AusRAP) is preferred.
- **The project must not have started:** The Australian Government aims to assist projects move into construction.
- **Must be an improvement, not maintenance:** Projects must be an improvement to an existing road asset. The program supports projects which improve existing publicly owned road assets. Improvement is an overall test. Each element of the project is considered as a whole, against the overall potential impacts. Improvement can include both upgrade and replacement of an existing asset.
- **New:** The programs are designed to support new projects, where construction is additional to applicants' existing program of works and which would not have been possible without funding support. Therefore, applications should not be made for projects where tenders have been awarded, construction has already commenced or is likely to commence ahead of a decision being made on the application.
- **Accessible** – the programs aim to improve community access and productivity. Applications should only be made for projects which are accessible to the public and associated with a public road. Projects where the final construction will be privately owned or located on a private road are ineligible.
- **Road based** – the primary purpose of each application must be to improve accessibility, safety and productivity of **road based** projects.
- **Regional importance:** Applications should address the social, community and economic benefits to the community of the proposed project, such as connecting regional and remote communities or improving access to essential services and employment opportunities. Evidence of consultation of community support will form part of the merit assessment for a project.
- **No recent significant investment** - There should not have been investment on the road or section of road forming the project application from a state or federally funded infrastructure program in the last five years.
- **One Program only** - A single project may only be submitted for funding under one Australian Government funding program. For example, a project cannot be submitted for RRUP and the Heavy Vehicle Safety and Productivity Program or the Road Safety Program.
- **Road safety data** - Successful applicants will be required to provide relevant road safety data statistics, to be outlined in Guidelines for Successful Funding Recipients.

The following types of projects are **ineligible**:

- Projects where the majority of funding is not for road based transport.
- Inspections and structural assessments.

- Project which are for maintenance purposes.
- Design only projects.

The Australian Government will contribute up to 80% of the cost of projects located in regional and rural areas. Co-contributions may be sourced from local, state, territory or private funding sources. Applications were required to be submitted by 20 February 2022.

An application has been submitted for upgrade to the Wahroonga Pimbee Road commencing at its intersection with the North West Coastal Highway. The nominated project proposes to upgrade the road to a consistent Type 3 standard including appropriate drainage structures such as culverts and stabilised floodways. The project application has been submitted such that it would commence in the 2023/24 financial year to align with proposed Regional Road Group (RRG) funded works for this road at that time.

Consultation:

Shire of Upper Gascoyne
Pastoral community

Statutory Environment:

Local Government Act, 1995 – Section 3.18 Performing executive functions

Relevant Plans and Policy:

Nil

Financial Implications:

There is no immediate financial implication associated with the recommendation. Projected future financial implications align with existing indicative Shire of Carnarvon Regional Road Group project allocations so there is nil additional expenditure burden associated with the funding application if successful.

Project expenditure in the lodged application is proposed to occur in the 2023/24 financial year. The indicative Shire of Carnarvon 2023/24 Regional Road Group project allocation for Wahroonga Pimbee Road upgrade work totals \$525,344. That allocation is based upon the usual one third/two third split between Shire and MRWA funding.

The submitted application utilises this RRG project funding to leverage additional funds from the RRUP program to create a more substantive road upgrade project totalling some \$2.626M. Total project cost and funding split is therefore summarised as follows:

Funding Source	2022-23 Expenditure	2023-24 Expenditure	Total	Percentage
Australian Government (RRUP)	\$0	\$2,101,374	\$2,101,374	80.0%
State Government	\$0	\$350,229	\$350,229	13.3%
Shire of Carnarvon	\$0	\$175,115	\$175,115	6.7%
Total	\$0	\$2,626,718	\$2,626,718	100.0%

Formal adoption of the Shire 2023/24 RRG project plan will occur in approximately October 2022. If the RRUP funding application is successful, Council will need to ensure that its indicative 2023/24 allocation toward Wahroonga Pimbee upgrades is adopted by the RRG and is adopted in its 2023/24 budget.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Consequence						
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	The required co-contribution exceeds the Shire's budget capacity	D3 - Moderate	The cash co-contribution required is within Shire financial capacity and within existing annual allocations toward the RRG program.
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Goal 2: Natural and built environment

A sustainable natural and built environment that meets current and future community needs

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use

Comment:

Other roads considered for application to RRUP funding were as follows:

Road	Upgrade	Reason not Eligible
Quobba Gnaraloo Rd	Upgrade section to Sealed Standard	History of recent investment.
Minilya Lyndon Road	Upgrade to type 3 standard + drainage works	History of recent investment (Midayla crossing)
Bush Bay – New Beach Road	Upgrade to Sealed Standard	Road length too small (<20km). No additional existing matching funding.
Gladstone Road	Upgrade to Sealed Standard	Road length too small (<20km). No additional existing matching funding.
Unsealed Town Roads (Bibbawarra, Miaboolya, Racecourse etc)	Upgrade to Sealed Standard	Road lengths too small (<20km). No additional existing matching funding.

Flood damage works on the Wahroonga Pimbee Road awarded by Council at its January meeting is not considered as recent investment. That work restores the road to its pre flood condition only. Upgrades or betterment works, are not funded under the DRFWA works.

If successful, this project would be a substantive upgrade for the Wahroonga Pimbee Road.

Unit rates for road formation reconstruction, gravel sheeting and drainage works is estimated at between \$85,000 to \$95,000 per km. Based on the upper limit estimate, this would mean a total project length of approximately 27.5km. That is almost one third of the total Wahroonga Pimbee Road length

The submitted proposal aligns well with RRUP program eligibility requirements. Wahroonga Pimbee Road has not received any substantial upgrade works for some time. Council at its November 2020 ordinary meeting endorsed its inclusion as a road of regional significance to enable it to be allocated funding under the RRG program and this additional opportunity if successful would support that strategic decision.

OFFICER RECOMMENDATION PART ONE:

That Council, by Simple Majority, pursuant s3.18 of the Local Government Act 1995 resolves to endorse the CEO's actions in lodging an application for funding from the Remote Roads Upgrade Pilot Program (RRUP) for the upgrade to consistent type 3 standard of approximately 27.5km of the Wahroonga Pimbee Road on the following project budget allocations:

<i>Funding Source</i>	<i>2022-23 Expenditure</i>	<i>2023-24 Expenditure</i>	<i>Total</i>	<i>Percentage</i>
<i>Australian Government (RRUP)</i>		<i>\$2,101,374</i>	<i>2,101,374</i>	<i>80.0%</i>
<i>State Government</i>		<i>\$350,229</i>	<i>350,229</i>	<i>13.3%</i>
<i>Shire of Carnarvon</i>		<i>\$175,115</i>	<i>175,115</i>	<i>6.7%</i>
<i>Total</i>	<i>0</i>	<i>\$2,626,718</i>	<i>2,626,718</i>	<i>100.0%</i>

OFFICER'S RECOMMENDATION PART TWO:

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 authorises the Chief Executive Officer to execute the funding agreement for the project should the application be successful.

FC 25/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Ferreirinha

PART ONE

That Council, by Simple Majority, pursuant s3.18 of the Local Government Act 1995 resolves to endorse the CEO's actions in lodging an application for funding from the Remote Roads Upgrade Pilot Program (RRUP) for the upgrade to consistent type 3 standard of approximately 27.5km of the Wahroonga Pimbee Road on the following project budget allocations:

<i>Funding Source</i>	<i>2022-23 Expenditure</i>	<i>2023-24 Expenditure</i>	<i>Total</i>	<i>Percentage</i>
<i>Australian Government (RRUP)</i>		<i>\$2,101,374</i>	<i>2,101,374</i>	<i>80.0%</i>
<i>State Government</i>		<i>\$350,229</i>	<i>350,229</i>	<i>13.3%</i>
<i>Shire of Carnarvon</i>		<i>\$175,115</i>	<i>175,115</i>	<i>6.7%</i>
<i>Total</i>	<i>0</i>	<i>\$2,626,718</i>	<i>2,626,718</i>	<i>100.0%</i>

PART TWO

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 authorises the Chief Executive Officer to execute the funding agreement for the project should the application be successful.

CARRIED
F7/A0

7.4.5 ACCEPTANCE OF ADDITIONAL FUNDING FROM RAUP FOR CORAL BAY AIRSTRIP UPGRADE PROJECT 2022/23

2.08pm – Cr Skender declared an Impartiality Interest in this item as his partner is co-author of the report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

2.08pm – Cr Vandeleur declared a Financial Interest in this item as he is the Director of a company that may potentially tender for the upgrade works. Cr Vandeleur therefore left the meeting and did not participate or vote on the matter.

File No:

Date of Meeting: 22 February 2022

Location/Address: N/A

Name of Applicant: Shire of Carnarvon

Name of Owner: N/A

Author/s: Carolien Claassens, Project & Contracts Manager

Declaration of Interest: Nil

Voting Requirements: Simple Majority

Previous Report: FC 20/11/18 and FC 14/5/2020

Schedules: Nil

Authority / Discretion

	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	Legislative	Includes adopting local laws, town planning schemes and policies.
	Quasi-Judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

Summary of Item:

The Shire has been successful in securing funding from Department of Transport for Coral Bay airstrip upgrade works in 2022/23. A second funding opportunity has arisen to reduce the Shire project contribution from 50% to 33^{1/3}% of the total project cost. This item seeks Council's approval to apply for this funding.

Background

In August 2021 the Coral Bay Airstrip upgrade project was completed including a runway pavement lift, vertical alignment correction and re-sheeting. This project was funded by Department of Transport – Regional Airports Development Scheme 2019-21 (RADS) and Federal Department of Industry, Innovation and Science – Remote Airstrip Upgrade Program 2020-21 (RAUP).

The airstrip is in a low laying clay pan and rain inundates areas surrounding the airstrip. Water table levels are high with generally poor drainage. To maintain and upgrade the Coral Bay airstrip funding from Department of Transport (RADS) has been secured to further lift the pavement, correct vertical alignment and re-sheet the airstrip in 2022/23.

In early February 2022, another round of RAUP funding was announced for improvement of aerodromes in remote areas of Australia. Applications are to be submitted by 17 March 2022. A successful application will result in a reduction of the Shire’s contribution to the project. The table below shows the project funding with and without this additional funding and the potential saving for the Shire.

	Existing	With additional RAUP Funding	Saving
Shire Contribution	\$220,250	\$ 146,833.33	\$ 73,416.67
RADS Contribution	\$220,250	\$ 146,833.33	\$ 73,416.67
RAUP Contribution	\$0	\$ 146,833.33	N/A
Total estimated project cost	\$440,500	\$ 440,500	

The project is planned for commencement after 1 July 2022. Works are required to be completed by April 2023.

Consultation:

Department of Transport (RADS) – Mark Bartley

Statutory Environment

Not applicable

Relevant Plans and Policy:

Policy C030 External Grants – Procurement and Management

Financial Implications:

The estimated project cost being \$440,500 includes \$40,000 for design, tender preparation and project management. The remaining \$400,500 has been allocated to the actual construction works.

With the additional RAUP funding, the total Shire contribution has been reduced from \$220,250 to \$146,833.33. A saving of \$73,416.67 in the 2022/23 budget.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Without the contribution from RAUP the Shire contribution will remain 50% of the project cost instead of 33%	D3 - Moderate	Approving the grant application
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

Community & Strategic Objectives:

Goal 1: Economic

A strong and growing economy, with a thriving regional centre, abundant business opportunities and jobs.

ITEM	OUTCOMES AND STRATEGIES
1.3	Transport hubs that support a thriving region
1.3.1	Provide and maintain airports at Carnarvon and Coral Bay

Comment:

The airstrip is an essential service to Coral Bay. During winter months and New Year, the temporary population of Coral Bay increases significantly typically resulting in increased RFDS patient transfers. The officer recommendation to support the application for RAUP funding is based on delivering financial savings for the Shire.

OFFICER'S RECOMMENDATION PART ONE:

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to endorse an application for \$146,833.33 of funding from the Remote Airport Upgrade Program (RAUP) for the Coral Bay Airstrip Upgrade Project 2022/23 on the following basis:

	Existing	With additional RAUP Funding	Saving
Shire Contribution	\$220,250	\$ 146,833.33	\$ 73,416.67
RADS Contribution	\$220,250	\$ 146,833.33	\$ 73,416.67
RAUP Contribution	\$0	\$ 146,833.33	N/A
Total estimated project cost	\$440,500	\$ 440,500	

OFFICER'S RECOMMENDATION PART TWO:

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 authorises the Chief Executive Officer to execute the funding agreement for the project should the application be successful.

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Fullarton

PART ONE

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 resolves to endorse an application for \$146,833.33 of funding from the Remote Airport Upgrade Program (RAUP) for the Coral Bay Airstrip Upgrade Project 2022/23 on the following basis:

	Existing	With additional RAUP Funding	Saving
Shire Contribution	\$220,250	\$ 146,833.33	\$ 73,416.67
RADS Contribution	\$220,250	\$ 146,833.33	\$ 73,416.67
RAUP Contribution	\$0	\$ 146,833.33	N/A
Total estimated project cost	\$440,500	\$ 440,500	

PART TWO

That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995 authorises the Chief Executive Officer to execute the funding agreement for the project should the application be successful.

CARRIED
F6/AO

2.10pm – Cr Vandeleur returned to the meeting and was advised of Council’s decision on the item.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 REVIEW OF RESEARCH INTO A FUTURE AIRPORT SITE

Cr Fullarton has put forward the following notice of motion -

FC 27/2/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Maslen

That Council, by Simple Majority, further to the Council resolution FC 20/8/2021 (Full Council 24 August 2022) resolves:

1. To obtain cost estimates from a suitably qualified consultant to prepare an appropriate development plan and business model for the relocation of the airport to the northern site, using and updating existing data and reports or developing new reports that includes, but not limited to:

- a. *Research into projects expected to be undertaken in the Gascoyne Region over the next ten years and identify the likely requirements for airport related services including aircraft types, flight frequency, and passenger numbers;*
 - b. *Undertake detailed geotechnical investigations and flood modelling;*
 - c. *A cost benefit analysis that includes the return-on-investment from a potential land development at the current airport site including the demand, barriers, and opportunities; and*
 - d. *The development of an Indigenous Land Use Agreement for the northern site*
2. *To consider the cost estimate during the 2022/2023 budget process.*

CARRIED
F7/A0

9.2 **MINISTER FOR LANDS PLANNING & HERITAGE – REQUEST FOR REVISED HOLIDAY CHALET SITE BLOWHOLES & REMOVAL OF SEA CONTAINERS**

President Smith has put forward the following notice of motion -

FC 28/2/22

COUNCIL RESOLUTION

Cr Smith/Cr Fullarton

PART ONE:

That Council resolves to recommend the following changes to Blowholes Reserves Management Plan 2014 -2036 for the consideration and approval of the Minister of Lands:

- I. *Area set aside for leasing for future chalets to allow for a maximum of 40 chalets relocated from the dune area to the area at the top of the cliff near the ablutions (see area 'A' on the attached map); and*
- II. *Addition of low impact camping sites along Black Rock Road as shown in the 2008 Blowholes Masterplan (see area 'B' on the attached map).*

PART TWO:

That Council resolves to remove the sea containers and associated infrastructure on the sand hill adjacent to the waste area at the Blowholes and revegetate the area to minimise erosion.

CARRIED
F7/A0

10.0 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

11.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF COUNCIL

Nil

12.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

FC 29/2/22

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That the meeting be closed at 2.20pm in accordance with Section 5.23 (2) (e)(ii) as this item relates to a matter that if disclosed, would reveal information that has a commercial value to a person; where the information is held by, or is about, a person other than the local government.

CARRIED

F7/AO

2.20pm – The public gallery left the meeting.

12.1 ROADWORKS BONDING - LOT 308 BANKSIA DRIVE, CORAL BAY RAC PARKS AND RESORTS

File No:	ADM1719
Date of Meeting:	22 February 2022
Location/Address:	Lot 308 (New Lots 3 and 4) Banksia Drive, Coral Bay
Name of Applicant:	RAC Parks and Resorts
Name of Owner:	BAC Village
Author/s:	David Nielsen, Executive Manager Infrastructure Services Gloria Quinn, Executive Administrator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	Nil
Schedules:	12.1 - Correspondence from RAC Parks & Resorts

OFFICER'S RECOMMENDATION

PART ONE

That Council, by simple majority, pursuant to Sections 3.18 and 6.9 of the Local Government Act 1995 agrees to the bonding of subdivisional roadworks by RAC Parks and Resorts for a loop road around Lots 3 and 4 for development of workers accommodation associated with the future Ningaloo Reef Resort redevelopment subject to the following terms and conditions:

- a) The bond shall be in the form of unconditional bank guarantee(s); and*
- b) The bond shall be to the value of not less than 150% of the Order of Probable Cost Estimate prepared by JDSI consulting Engineers dated 13 January 2022; and*
- c) All bonded works shall be completed prior to any occupancy of the Lot 4 workers accommodation.*
- d) All/any costs associated with execution of any formal agreement regarding the bond shall be at no cost to the Shire of Carnarvon.*

PART TWO

That Council, by simple majority pursuant to Section 3.18 and of the Local Government Act 1995 authorises the CEO to negotiate and execute any formal agreement/instrument necessary to give effect to the bonding of subdivisional roadworks for RAC Parks and Resorts for a loop road around Lots 3 and 4 for development of workers accommodation associated with the future Ningaloo Reef Resort redevelopment.

FC 30/2/22

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Maslen/Cr Vandeleur

PART ONE

That Council, by simple majority, pursuant to Sections 3.18 and 6.9 of the Local Government Act 1995 agrees to the bonding of subdivisional roadworks by RAC Parks and Resorts for a loop road around Lots 3 and 4 for development of workers accommodation associated with the future Ningaloo Reef Resort redevelopment subject to the following terms and conditions:

- e) The bond shall be in the form of unconditional bank guarantee(s); and*
- f) The bond shall be to the value of not less than 150% of the Order of Probable Cost Estimate prepared by JDSI consulting Engineers dated 13 January 2022; and*
- g) All bonded works shall be completed prior to any occupancy of the Lot 4 workers accommodation.*
- h) All/any costs associated with execution of any formal agreement regarding the bond shall be at no cost to the Shire of Carnarvon.*

PART TWO

That Council, by simple majority pursuant to Section 3.18 and of the Local Government Act 1995 authorises the CEO to negotiate and execute any formal agreement/instrument necessary to give effect to the bonding of subdivisional roadworks for RAC Parks and Resorts for a loop road around Lots 3 and 4 for development of workers accommodation associated with the future Ningaloo Reef Resort redevelopment.

CARRIED
F7/AO

FC 31/2/22

COUNCIL RESOLUTION

Cr Fullarton/Cr Maslen

That the meeting be reopened to the public at 2.22pm.

CARRIED
F7/AO

13.0 DATE OF NEXT MEETING

The next meeting will be held on Tuesday 22 March 2022 commencing at 1.00pm.

14.0 CLOSURE:

The Presiding Member declared the meeting closed at 2.22pm